

State-Tracts;

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I. TWO LETTERS, 1. To the Earl of Oxford,
2. To the Lord Privy-Seal: 8010.6.45

II. The Secret HISTORY of the *Geertruyden-bergh* Negotiation; with several Original Papers.

III. Observations upon the present TREATIES of *Peace* and *Commerce*.

IV. The Proceedings of both Houses of Parliament with Relation to the said TREATIES, and the Reasons *for* and *against* them fully consider'd.

V. Some Copies of former TREATIES, Acts of RENUNCIATION, &c.

VI. *The Groans* of EUROPE, at the Prospect of the present Posture of Affairs.

The whole Offer'd to the Consideration of the present PARLIAMENT.

L O N D O N:

Printed for E. CURLL, at the *Dial* and *Bible*, against St. *Dunstan's* Church in *Fleet-street*.
1714, Price 4s.

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I shall not tell you the Author's Name. We

LETTER

TO

SIR,

YOU have not been misinformed by those
Persons, who recommended the Four Letters on the Management of the War, &c. as Pieces extremely

Well Writ, and very Useful for recommending such as
are ignorant of it, with the State of the Case, for
reclaiming of well-meaning Persons, who have
been wrongfully prepossessed, and for confounding
of such Politicks as have their Dependence on
Affectation and Partiality. The Author presents all
his Arguments on Facts, which have lately hap-
pen'd before our Eyes; and the Consequences he
deduces are no way forced, or strained. I am
therefore persuaded, that whoever reads them
with Attention, and without Prejudice, will be
oblig'd to own they are just, and to be receiv'd
as such. He has undertaken to clear up the
fully clear'd of all the other Impurities. I am
But what would do more than to clear up the
Air, and Double dealing he charges on the

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Court, and the Ministers with whom the Allies treated, is demonstratively made out.

I shall not tell you the Author's Name. We have very probable Conjectures as to that Point, which I will communicate to you some other Time; but, you know, it requires something more to discover a Man, who, without doubt, had some sufficient Reasons to forbear exposing his Name in Print. I can nevertheless assure you, that if we guess right, his Person, his Character, and the Opportunity he had of being rightly inform'd, ought to give us a Confidence, that the Facts he mentions, and which the Public has not been acquainted with, are Authentick, and to prepossess us in Favour of his Reasoning.

You are so well acquainted, Sir, with the Posture of Affairs in *Europe*, and particularly those of *Great-Britain*, and the unparallell'd Actions of this War have happen'd so near to you, that I think it altogether needless to enlarge on those Matters. But there is one Thing, which will not be improper to remind you of, it is the Business of the *Act of Security*, pass'd by the Parliament of *Scotland* in the Year 1704, which our Author hints at by the bye, in his *Second Letter*, to justify those who advis'd the Queen to pass the said Act.

You know, that the late King *William*, not long before his Death, did pass an Act in the Parliament of *England*, for settling the Succession to the Crown of that Kingdom, after the Death of the Queen, now Reigning, in case she left no Issue, on the House of *Hanover*, by Virtue of the Right of the Princess *Sophia, Electressa Dowager, Grand-Daughter to King James I.* This was the final Effort of that Prince's Policy, and the last Token he gave his Subjects of his Zeal for the Prosperity of his Kingdoms; and Death, which

snatch'd him away soon after, did not allow him Time to manage Affairs in *Scotland*, so as to induce the Parliament of that Nation to follow the Example of that in *England*. However, this plainly appear'd to be absolutely necessary; the Animosity of Parties, and the Behaviour of the Disaffected, discovering what great Inconveniences there was Cause to fear, should God take away the Queen without granting her Issue, and that, even during that Princess's Life, they might not perhaps be sufficiently secur'd against the Disorders, which might be occasion'd by the Diversity of Opinions, and the Jealousies between the Two Nations.

This was convincingly made out soon after. In 1703 there was a Conspiracy in *Scotland* against the Present Government, and in Favour of the Pretender, which was discover'd; and the Parliament of *England* sitting from the latter End of the Year 1703, till May 1704, took Cognizance of it. They were fully convinc'd of the Truth of the Fact; and the House of Peers, after long Search into that Affair, about the Beginning of April presented an Address to the Queen, intreating Her to take the necessary Precautions thereupon. They told Her, at the same Time, it was their Opinion, that no better or surer Means could be found for preventing of such unhappy Practices, than to cause the Succession to the Crown of *Scotland* to be settled on the same Basis as that of *England*. The Queen receiv'd the Advice given Her by the Lords very graciously, assured them She was of the same Mind, and promis'd to use Her Endeavours for composing of it. To this End, it was thought requisite to make some Alterations in the *Scottish* Ministry, and to endeavour, with Employments and Favours, to gain those who were suspected to be averse to the Settlement,

ment. Accordingly several Lords and Gentlemen of the Tory Party were put into Employments; and it was concluded, that having gain'd these, and being sure of the Votes of the other Party, which had always appear'd willing to promote that Settlement, there would be a Majority secur'd in the ensuing Parliament of Scotland.

That Assembly met about June the same Year: The Marquiss of Tweedale, the High Commissioner, representing the Queen's Person, caus'd a Letter from Her Majesty to be read there, wherein, after representing in very plain Terms the Distractions then prevailing in Her Ancient Kingdom, the Designs of the Enemy to make their Advantage of them, and the great likelihood there was of their succeeding therein, She recommended to the Parliament, in the most earnest Manner, the Settlement of the Succession in the Protestant Line, on the same Foundation as it was in England, as the only Means to prevent Factionous Persons from compassing their Designs, and the Danger of a Civil War, which threatned the Kingdom. The High Commissioner, and the other Ministers, in the Speeches they made upon that Occasion, most earnestly press'd for that Settlement. They were seconded by several Lords, and other Members of the Parliament, and some of the Speeches made on that Subject have been published, in which there appears an extraordinary Strength of Argument, Solid Judgment, and Sharp Turn. They did in the most sprightly and forcible Manner urge the Necessity of making a Settlement so advantageous to the Good of the State, and of Religion, and which alone was able to prevent the Mischiefs of a Civil War, and an Invasion from the Enemy. They likewise fully answer'd the Difficulties the Disaffected might object; and in short, they made that Necessity in a man-

ner so evident, that it came near to a Demonstration.

However, all those Efforts and Solid Reasons could not prevail against the Spirit of Faction, and the Practices of the adverse Party. The Heads of that Party knew how to make their Advantage of the Jealousie that has been almost continual between the Two Nations, and particularly of the Disgust taken in Scotland, on Account of the Proceedings of the Parliament of England, in Relation to the Conspiracy of the foregoing Year. After having moulded their Draught of an Act into several Shapes, to endeavour to make it agreeable, they at length carry'd it by Plurality of Voices, That they would take such Measures for the Security of the Kingdom, as might rescue it from the Influence the English Council had over the Government. That they would conclude a Treaty of Commerce with England, and regulate the Differences there were between the Two Nations, before they would appoint a Successor. Having carry'd this Vote, they self to draw up an Act answerable to it which is what they call the Act of Security; the Principal Clauses wherein are these. That, after the Queen's Death, the Parliament shall meet, and shall be deem'd summoned *IPSO FACTO*. That all Foreigners, who have Scotch Titles, and, namely, the English, shall be excluded, unless they have 1000 Pounds Scottish Yearly Income in the Country. That that Parliament shall appoint a Successor to the Crown. That the Successor shall be of the Blood Royal, and of one who professes the Protestant Religion; always provided it be not the same Person that shall succeed to the Crown of England, unless the Liberties of the People, and the Privileges of the Nation, be first secur'd against the Influence and Practices of Strangers, and particularly the English; and

and to prevent any Attempts against this Settlement, all the Protestant Proprietors of Lands, and all the Boroughs, shall furnish themselves with Fire-Arms and Ammunition, shall distribute them among their Vassals and Inhabitants, and shall exercise them from Time to Time in Martial Discipline.

The Promoters of this Act being sensible it would be a Matter of much Difficulty to prevail with the Queen to pass it, they tack'd it to that for the Subsidy; or at least they made the one depend upon the other; and it was resolv'd that nothing should be done to the one till the other had obtain'd the Royal Sanction. The *Farmant* was so high in Scotland, and the Faction had so well made their Advantage of it, that Her Majesties Council, considering the then Posture of Affairs in Europe, thought it not expedient to exasperate the Minds of those, who were but too much disposed to run to Extremities, to which it had been extreemly hard to apply a speedy and effectual Remedy. Hereupon the Queen authoriz'd Her High Commissioner to pass the *Act of Security*, which he did at the End of the Session.

This Affair alarm'd all England, and made much Noise in the Parliament of that Kingdom, which met about Three Months after. Two Methods were made use of to prevent the Mischief that *Scotch Act* might occasion; the one by Fair Means and Negotiation, empowering the Queen to Treat about the Union of the Two Kingdoms; the other by Resolution and Precaution, Arming the Militia, Fortifying the Strong Towns in the Counties bordering on Scotland, and taking the necessary Measures to disturb the Commerce the Parliament of that Kingdom had open'd with France. In Pursuance to these Resolutions, a Bill pass'd the Two Houses, and was presented

presented to the Queen, who gave it Her Sanction on the last Day of the Session, which was in the Spring of the Year 1705.

Here you see the Two Kingdoms in Arms against each other, and then wanted, in a Manner, but one Step more to produce a Civil War; but the Prudence of the Ministers, and those who seconded them, prevented their coming to those dreadful Extremities. They began the next Year to apply proper Remedies to those reasonable Fears, by managing Affairs after such a Manner, in the Ministry and Parliament of *Scotland*, where several Changes were made, that the *Act of Security* was repeal'd. In Process of Time, and as it fell out, those Troubles produc'd a quite contrary Effect than had been expected by the Persons who had occasion'd and kept them on Foot; for they gave Occasion to the eagerer Pursuit of the *Union* between the Two Kingdoms, which was at last concluded in 1707, to the great Surprize of those who look'd upon that Project as Chimerical, and who grounded their Opinion on probable Arguments, and the Experience of what had been before, to the great Satisfaction of all Her Majesties Good Subjects, and through the Care and Happy Management of the late Ministry. This is enough, as to that Article, and I think it is more than sufficiently explain'd.

No Question but that you have been surpriz'd to observe, what Efforts our Author has thought himself oblig'd to make towards vindicating the last Ministry of *Great-Britain*; and I am fully perswaded, that you, who do not read the Pamphlets daily put out in *London* by the contending Parties, could not have imagin'd that Crimes of such a Nature as those (which are answer'd in the *Four Letters*) could be charg'd upon those Persons, under whose Administration Affairs have been so successful.

successful. The Licentiousness of those Declarations against the Ministers and Generals is the Consequence of that Precious Liberty the Happy Inhabitants of the *British* Kingdoms enjoy, exclusively from almost all the Nations of *Europe*. Let us not then condemn the Thing in general; but since it is allow'd every Man to make his Defence, let us forgive our Author for what may be found something Hot in his Answers and Recriminations. He adheres in the main to what concerns the Duke of *Marlborough*. Never Writer had a better Subject, and he handles it with such Sprightliness, and such Energy of Style, as expresses a mighty Zeal. He makes a Panegyric on his Hero while he Apologizes for him; neither can it be avoided. The History of the War is my Lord Duke's Apology, and his Apology is the History of the War.

It is no New Thing to see the Conduct of Great Men call'd in Question by those idle People, who naturally judge of Things by the Event, especially when their Successes, and the Exaltation of their Fortune, have expos'd them to the Attempts of Envy. *There is no less Danger in being fortunately Great, than in being Unfortunate,* says *Tacitus*. It is pleasing to discover Frailties in them; all Mankind is subject to them; Great Men, we have been told, are both Great and Men. We affect to view them on those Sides, on which they always adhere to Human Nature; perhaps, because by that Means we think to lessen the distance there is between them and ourselves; but this to me seems altogether unjust; and I am of Opinion, that when a Man's Faults are balanc'd by great Virtues, when those Faults do not essentially destroy, or alter those Virtues, not only the Respect due to his Rank, but even Justice requires, we should conceal from ourselves, if possible,

possible, those Pretences for paying the less Honour and Esteem to a Man, who never turns his Eyes from the Great End of the Public Good, and whose Excellent Qualities are so Advantageous to his Country. However it be, we have a Right to condemn such Censurers; and if I may here presume in some sort to blame the Apologist of so good a Cause, it is needless to refute, to argue, to prove, when the Actions themselves speak so loudly.

This brings into my Mind the Noble Contempt *Scipio* shew'd for his Accusers, and the pretended Crimes they charg'd him with before the Senate. He might have confounded them by justifying his Conduct. *But there is an Heroick Innocence*, says *Monfieur de St. Evremond*, which has a Right to make Slight of those Formalities, to which common Innocent Persons are subject. He chose rather to confound them with the Sense of their Ingratitude. Instead of answering his Accusers, he put his Judges in mind, that the very Day when he was speaking to them was the Anniversary of the Victory he had obtain'd over *Hannibal*, and invited them to go up with him to the Capitol to return Thanks to the Gods. He led the Way, and all the Senate followed him, leaving his Prosecutors out of Countenance, seeing themselves alone at the Bar. It was Fortunate for *Scipio* that the Accusation laid against him should be brought into the Senate precisely on such a Day. But how many Days are there in the Year on which our Hero might make use of the same Method to clear himself? What Time will his Enemies pitch upon to avoid such an Answer and the like Confusion? For these Ten Years, during which he has Headed Armies, he has so multiplied and heaped Victories; there are so many Days of which it may be said, *This Day is the*

Anniversary of such a Victory; this Day he took such a Town; on such a Day he laid the Scheme of such a Project, and by his Dexterity and efficacious Perswasions made those to approve of it who were to concur in the Execution. There are, I say, so many Days Remarkable for these Great Actions, that I know not what Time they would lay hold of to stand up against him; and what Season would not supply him with an Apology like that which *Scipio* made use of.

I have observ'd that when we argue thus from Facts, they answer, That the Duke of *Marlborough* is Fortunate; and that he owes this Series of such mighty Successes, as are almost Prodigious, to Fortune and continual Miracles. I own he is Fortunate; and I will farther own, that had he been so but once in his Life, there had been no deducing a convincing Proof from it in Favour of his Capacity. But will they, in Earnest, make us look upon the Prosperity of Ten Years successively as the meer Effect of Chance? Or, to use the Words of a certain Sort of People, as a Continued Miracle? Will they tell us, that all the Warlike Exploits he has performed; that the Knotty Negotiations he has managed; that the Art of reconciling different Interests, which he has so well practiced; that the Projects he has form'd, and by which he has dispos'd, and in a manner ascertain'd, the Events; that the Confidence all the Allies have repos'd in him; that his Capacity to move all the Machines of Peace and War; will they tell us that those are the Effects of Chance, and the Favours of Fortune? Well, if they will have it so, I grant it; I will not dispute about Words. But since I know no other Fortune and Good Luck, besides that which proceeds from the Dispensation of that Providence which gives all Prosperous Successes, and which infuses its Gifts of Wisdom, of Power,

er, and of Council, into those it thinks fit to raise for the saving of Kingdoms and States, &c. I shall respect that *Man of its Right Hand*. I shall honour that *Arm it has strengthened*, and which it has been pleas'd to make the Instrument of the Wonders it has wrought in Defence of the Liberties and Properties of so many Nations, and to be a Barrier to Tyranny and Usurpation.

You have perhaps observed, and I am convinc'd it has not been without some Terror, what sad Prefages the Author draws from the Change of the Ministry of *Great-Britain*, and the Consequences he insinuates may ensue upon it hereafter. I own that should we allow of all the Consequences which may be drawn from the Principles he lays down or supposes, there would be enough to make all those quake who are concern'd for the Prosperity of that Powerful Kingdom, that is, the Best and most Healthy Part of *Europe*. But Experience has taught us, that there is nothing more difficult than to argue soundly from the Political Appearances of Courts, and particularly of that. Politicians have been almost generally mistaken; and, Heav'n be praised, our Enemies have ever been disappointed in the Hopes they conceiv'd from thence.

It is doubtless disagreeable, under our present Ticklish Circumstances, that the Administration of Affairs should be taken out of the Hands of Persons who have managed them with so much Wisdom, Capacity and Success, as those have done whom the Queen has hitherto employed. It is unhappy, that Passion and Prejudice conceiv'd against those who are in Posts, should have prevail'd on certain Persons to use their Interest for causing some Steps to be taken, which are of dangerous Consequence both in Politicks and in War, when they are in the Sight of an Enemy. It is to be
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allowed, that the Ambition of Preferment, instead of inspiring a Generous and Brave Resolution, and pushing us on to serve the State in our Ability and Degree, should so far prevail as to make us hazard the most dangerous Enterprizes, and put us upon Extreame which might endanger the Public Peace, were there as much Stiffness on the one Side as there is Heat on the other? What Pity it is that those Virtues which might be so Advantageous to the Commonwealth, should be made so many Talents for the Improvement of Faction! Could it have been reasonably expected to discover such a mighty Eagerness to get into Public Employments in a Nation, whose Character it has always appear'd to be in a Manner to crave the Favour of the Court, and in which we have frequently seen those who were in the Highest and most Beneficial Employments quit them, barely on Motives of Honour, of Party, of Friendship, or of Personal Aversion? Was it then a Contempt of Honour, and a true Greatness of Mind, that prevail'd on them? And if those were the Motives that sway'd them at one Time, what are those which induce them at another, to use Means so disagreeable to those lofty Principles they once profess'd, for the obtaining of those Dignities they once seem'd to contemn? Shall we say with him, * who among our Sarrical Philosophers seems to have best known the Heart of Man, that *Men have no Character, or if they have any, it is that of having none that is always the same, that does not contradict itself?* *Man*, says he in another Place, *cannot be thoroughly defin'd, and in himself, too many Things without him do alter, change and overturn him; he is not exactly what he is, or what he appears to be.* This is a certain

* *Monsieur de la Bruyere,*

certain Truth. The Public Actions of Men are no infallible Rule by which we may obtain a solid Notion of their Character. It is not always safe to conclude, such a Man has been guilty of a foul Action, therefore he is a vicious Person; much less is it so to say, such a Man has perform'd some Notable Actions, therefore he has a Noble Soul, he is truly Virtuous. But this being somewhat at large, might we not add, that there is much to be allow'd for Vanity? That there may be Hopes of gaining a mighty Name in the World, when a Man outwardly taking upon him a Noble Haughtiness, and a Show of great Disinterestedness, and an entire Devotion to his Friends, knows how to quit a Considerable Post in Season, and when it makes a Noise? Self-love, which may infallibly be look'd upon as the Prime and Unchangeable Mover of our Actions, may very well find its Advantage in that Behaviour. But then we find nothing to please us in that peaceable, yet obscure, Condition, to which our own Choice seem'd to have brought us. We soon grow weary of being no longer in the Eye of the Public, and out of the Way of advancing our Fortune; we long to appear again on a nobler Stage, and we return again with greater Vigour, supported by new Friends made, during our Retirement, and by whose Interest we are sure to carry the same Employments, which had been before quitted with so much Ease, and to plunge into the Fatigue of Business deeper than ever.

I will not vouch for the Nicety of this Reflection, which has drawn me to too long a Digression. Neither would I drive the Application too home; you may judge of the one, and do the other better than I. All I dare advance, and wherein I am not of our Author's Opinion, is, that I am fully
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perswaded, that those Persons, to whom the Queen of *Great-Britain* has been pleas'd of late to commit the Management of Public Affairs, will not deviate so much as he imagines from the Views and Conduct of their Wise Predecessors. Neither can I take their bare Word, when they speak so contemptibly of the Behaviour of the former Ministers, either in the Management of the War, or in Negotiations. I am in a manner sure, that in Process of Time they will be, I shall not say oblig'd, but naturally led, to tread in the same Steps, or to come very near. We shall always find them Zealous for maintaining the Rights of their Country, and the Liberty of the Subjects; watchful to disappoint the Contrivances of Popery, which is their first and most dangerous Enemy; vigorous against Arbitrary Power, which has more than once expos'd them to such mighty Dangers; ready to stand up for the Liberty of *Europe*, which cannot be safe, but by circumscribing the Exorbitant Power of *France*; moderate and conniving towards such of their Countrymen as are not altogether of their own Opinion; just in answering Parliamentary Engagements; ready to furnish the Charges of so just and so necessary a War; and very far from consenting to a Peace that may endanger the Liberty of *Europe*, and the Protestant Religion. Has not this been the Basis and Foundation of the Behaviour of the late Ministry? And would the New be thought capable of taking any other?

There may happen to be some Circumstances of Time, when Peevishness, or Interest, may put Men upon declaiming against the Conduct of those who are at the Helm of Government. But so soon as they have attain'd the Superiority they aspir'd to, and find themselves steering the Commonwealth, Passion being abated and satisfy'd,

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pushes them on no farther; they sedately enquire what Way is to be follow'd, and practice those Virtues, to maintain themselves in an Eminent Post, which they thought not sufficient to raise them to it.

Somebody has said, it is wonderful that a Man should be capable of hating another to such a degree, as to sink the Vessel in which they both row together; that is, to destroy a Commonwealth, whose Ruin he must be involv'd in. I would not presume to say, it were absurd to make such a Supposition, were there only one Person concern'd. But I am fully perswaded it implies a Contradiction, when the Design is to prevail upon several to admit of such an Extravagancy. How much more unreasonable is it to believe, that a considerable Number of Persons, of a Superior Rank, of a Singular Genius, who have given many Testimonies of their Wisdom, and who have all a most particular and near Interest in the Welfare of *Great-Britain*, should be capable of subverting the Constitution of a Government, which establishes for the present, and secures for the Time to come, the Religion and the Liberties of the happiest People in the World; and of doing such Things as might favour the Chimerical Pretensions of that Imaginary Phantom, on which Men are not asham'd to bestow the most Sacred Titles, and whose Original is as little known to itself as to us!

In short, I cannot but hope that Things will fall out well. I rest my Confidence in the first place, and chiefly, on the Care and Wisdom of Providence; as also, to speak after the Way of the World, on the solid Sense and sound Judgment of a Nation, which has never altogether, and seldom for any long Time, deviated from its
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true Interest. And I question not but that being Men of such Ability, exerting such mighty Talents, and providing such immense Sums to supply the present Wants, and the Debts already Contracted, they will support Affairs Abroad, and will at Length restore the Funds, and Public Credit, to the same Posture they were kept up in by the former Ministry, through the extraordinary Confidence repos'd in them.

May it be allow'd to hope farther still? It is true, the Affairs of the Allies have not so triumphant a Prospect as they had some Time ago. It may be fear'd lest the Union and Concurrence of so many Princes may suffer some Change. The Artifices of our Enemies daily multiply and appear in all Sorts of Shapes. May we still presume to hope for such a Peace as we could wish, and once expected to obtain? I leave this Question to be controverted by Politicians, and decided by the Event. For the obtaining of this the same Method ought to be continu'd that has been hitherto us'd, and fresh Efforts to be made, not to lose the Advantage of so many Successes. May we not hope, notwithstanding the Difficulties there may be in keeping a League made up of so many Heads steady for a long Time, notwithstanding the prodigious Efforts of our Enemies, that the Example of *Great-Britain* and *Holland* will engage the other Allies to continue firm? It may be said indeed, we are almost reduc'd to our last Shifts, but we have not yet quite drain'd them; and it is not very certain but that our Enemies have carry'd theirs to the utmost.

Every Man, in the Main, has his Particular and Personal Interest in making the most of the Advantages of this War, of those Advantages we first enjoy, in order to attain a Peace, that may put him into a State of Security, and settle his Being,

Being, which will ever be tottering, so long as the Enemy shall be in a Capacity to satisfy their insatiable Avarice. If the Allies are in Arms, it is not because one has espous'd another's Quarrel. They have not been oblig'd, as it were against their Wills, by a Treaty, to take up Arms to support the Interest, or revenge the Quarrel, of any one among them; but being join'd in League all together, out of a natural Sense of the most pressing Danger, and justly provok'd by that Haughtiness and stern Behaviour, which for several Years has spar'd no Man, they are reduc'd to an absolute Necessity, now or never, to support, and retrieve, their Interest, and their Honour, and to that End to keep up a League, cemented together by a well-grounded Fear, and the justest Indignation. Thus we see, that those to whom our Enemies first thought fit to propose an artful Treaty, as believing them the most affected to the Sweetness of Peace, and the most inclinable to give Ear to their ensnaring Proposals, were not dazzled by those false Glimmerings; they stuck to what was solid, and shew'd a Steadiness and Fidelity to their Engagements, worthy the most flourishing Days of the *Roman Commonwealth*.

Our Author in that Point does them all the Justice that is due. I am sure, Sir, you will read those Places with Satisfaction, and will heartily applaud the deserv'd Commendations he bestows on the Behaviour of that Republic, and the Capacity of its Ministers. Would to God that all his Countrymen could agree with him in that Point, and be ever sufficiently convinc'd how advantageous and necessary it is for them to maintain, and, if possible, more closely to link that Union which has been for several Years between the **Two States!**

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Will it be requisite for me to justify to you those hard Expressions that have been made use of in several Parts of the Letters, by Way of Characterizing the Ministers and the Court of France? Had the Author apply'd the odious Epithets of *Infidelity*, of *Perfidiousness*, of *Insincerity*, to Persons of Distinction, by their Birth, and by their Dignities, without producing Facts and Actions which denote and define them, I own it might be said those were Invectives and Slanders thrown at Random. That is the Treatment we with good Reason give to the Declamations we formerly had from the *Sieur de Vise*, and still have every Month from the Author of *la Clef du Cabinet des Princes*, against the Confederate Princes; Pieces we are almost ashamed to quote, and yet they are honour'd with Licences and Approbations. Those verbal Slanders, which are only grounded on Facts that are notoriously false, and the Baseness of the Writer, are well worthy of the Contempt the Public has for their Authors. But here it is otherwise. Besides which, there is nothing so gross, or near the like Venom, is to be found in it; methinks, when a Man has loaded his Memory with the large Collections he has made of Treaties broken, of Promises falsify'd, of ambitious Designs, of all Sorts of Artifices put in Practice, to make them succeed; when he has set at Work, and heated his Imagination with all those Particulars; methinks, I say, a Man whose Thought is work'd up to that Pitch, is at least excusable when he lets slip those Epithets of *Perfidious*, *Fairblest*, *Covetous of what belongs to others*, &c.

Besides, if there wanted nothing but Examples, and those very venerable, to Authorize the Sharpness of our Writer, we might find them both Antient and Modern. I do not speak of those pub-
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lic Monuments, and haughty Inscriptions, which are laid to their Charge. I shall take no notice of those Slaves and Monsters that lye under the Feet of the *Immortal Man*, attended with such expressive Emblems, as plainly represent the Prime Potentates in *Europe*. I will make Choice but of Two Instances among a Thousand I could produce. This Instance is Modern, and I shall only mention it to you. What do you say of a Minister of the First Rank, who discoursing with the Minister of a Sovereign State, at his Master's Court gives the Name of an *unpardonable Insolence*, to the Precaution taken for obstructing the carrying on of the Fortification began in a Time of Peace, within Cannon-shot of a Frontier Garrison?

Would you have Ancient Examples? I will quote *Demosthenes*, not the *Grecian Demosthenes*,

whom

* It plainly appears this is meant of the Answer given by the Marquis de Torcy at Paris, to the Secretary of the Dutch Embassy, when that Secretary was ordered in the Absence of the Ambassador to declare, that his Masters, who could not allow of the Carrying on of the Fortifications then raising at Seltzen, had been oblig'd to give Directions for firing upon the Workmen. The Cannon that was plant'd on a Fort depending on Sas van Gant carry'd to that Place; so that it is literally true that those Works were raising within Cannon-shot. Besides, it plainly appears that this Manner of Proceeding which had been press'd by the necessary Remonstrances, does not deserve such hard Words, which can never be proper when a Sovereign is talk'd of. The Reader may see the Ingenious Remark made on this Occasion by the Author of, *The News from the Courts of Europe*, in the Month of January, 1702. pag. 104, where among other Solid and Sharp Reflections, he says, The Term *Insolence* is One of those Words which cannot lose its Meaning, if it does not suit with the Person for whom it was intended, it remains with him that gives it, and it belongs to him in such Degree as he makes the wrong Use of it.

whom neither of us understand; but that we had from *Monsieur de Tournell*, in the Year 1701, elegantly Translated, adapted to our Manners, and so well applied to Times and Places, that it may be called in Question whether it is the *Grecian* Orator making an Harangue, or a Member of the Parliament of *Great-Britain* delivering his Opinion. You will there find in every Page the most abusive Denominations, the hardest of Epithets; not against the Ministers of the Enemy to the *Armenians*, but against himself. You will there perceive, that the Orator, tho' he owns *Philip* to have almost all those Personal Qualities that become a Great Man and a Conqueror; tho' he extols the Celerity of his Expeditions, his Vigilancy, his Dexterity in laying hold of all Advantages that may be offer'd him, either by Fortune, or the Oversight of others; yet does he not forbear to load him with the most Odious Names, for invading that which belongs to others; for encroaching on the Liberties of his Neighbours; for designing to reduce all *Greece* under his Subjection, upon the Pretences of Conveniency, of Rumours, of Provincial Government, of Want of Satisfaction; to conclude, for his securing the Passes, and such Places as made the Barrier of Neighbouring States, with his Army by the Name of Auxiliary Troops; still protesting he did not design any Rupture, and his Enterprizes no Way regarded the Public Peace and Security. This it was that rais'd the Spleen of *Demosthenes*. This it was that provoked him to utter such Severe and Sharp Truths; and this it is his Translators make use of to justify him.

I grant *Monsieur de Tournell*, in his Epistle Dedicatory, assures us, that had that Republican Zealot lived in our Days, he would have been charmed with the Happy Subjection of the French, and crush'd in Pieces his Idol at the Feet of his Beneficent

ficent Majesty, who reigns over them, and that casting off his false Notions, he would blame himself for having been devoted to a vain Shadow of Chimerical Liberty. I shall not go about to argue concerning the Genius of *Demosthenes*; his Learned Translator is infinitely more capable to judge of it than I. He may be allowed to lay that Person in Fetters at the Foot of *Lewis* the XIVth's Throne, who chose rather to poison himself, than to bow down under *Philip's* Capacity, or *Alexander's* Good Fortune. But I dare assure him, that the *Demosthenes's* of England, those Hot and Zealous Defenders of the Liberty of their Country, are very far from the Thoughts of being cured of what he calls *Errors in Politicks*. They are so well satisfied with a Form of Government, in which the Prince's Power is restrain'd by Just Laws, (to which he is himself subject at the same Time that he is invested with the Authority of obliging others to observe them,) that instead of preferring a Despotic and Arbitrary Power before it, they are seiz'd with Compassion and Indignation, when they talk of the Heavy Slavery under which their Neighbours groan, and of that Selfish Temper which aims at nothing less than the bringing of all *Europe* under the same Yoke. Happy they, were it in their Power to break that Yoke! Happy, could they at least perform as much as Charity and Compassion require at their Hands, by restoring the most Sacred Privileges, which may be lookt upon as the Primitive Rights of Human Nature, and inseparable from it!

But I perceive I suffer myself to be led away too far by the Ardour of a Warm Imagination. It looks as if I would insult an Author I know you have a value for, whom I honour, and whose Plagiarism you may observe I have been in
some

some Parts of my Letter. But that is the least of my Intention; I respect *Monsieur de Tournell*, and am convinc'd he has very deservedly gain'd the Approbation of the Public. But, in Truth, the Flattery of EpistlesDedicatory is run so high in *France*, that it is provoking to all the rest of *Europe*. It is conniv'd at in Vulgar Authors; but no Man can forbear fetching a Sigh, when he sees that the most deserving Persons cannot, or dare not, forbear falling into such extravagant Flattery. How New, how Bright, soever their Thoughts are, how Elegant soever their Expressions, it is grievous to see such mighty Talents prostituted to so base an Use.

This may suffice; nay, it is too much. I have been so tedious, that I am ashamed of it; yet could I add much more, would I go about to unravel, explain, and justify, some of my Reflections. There might be as much retrench'd, would you not allow of any Thing but what was exactly Pertinent. Give me Leave, Dear Sir, to submit that to your Judgment, who can perform it much better than myself. Do you add, expunge, and excuse; and let your good Taste, your Solidity and Penetration, your Friendship, and your good Nature, proceed equally in my Favour.

Yours,

Amsterdam, April

the 25th, 1711.

N. S.

There are only Two Titles on which France can
ground its Pretensions to the Crown of Spain.

The first is the Right of Blood, and being next

in Descent, the second is King Charles's last Will

in Favour of the Duke of Anjou. I shall easily

make it appear that France is ill-grounded on

both Respects; and then conclude, that the said

Crown being placed the Duke of Anjou on the

one side, and the most illustrious Prince of the

House of Austria on the other, the latter

to rectify the Evil it has alone been guilty of,

and to restore to the said Kingdom a Monarchy,

which has been usurped with the Branch of the

most Sacred Order, and most Solenne Remem-

brances.

To begin with the Right of Consanguinity.

When France proposes to make void the Renun-

ciation of the said Duke of Anjou, they

longly declare that they could not wrong Her

Descendants by that is, that the Right of Proximity is indispen-

sable, and to link'd to the Person of the Duke of Anjou, that

nothing can separate it, and that the Question, whether allowing of this

cannot forbear signifying to your Lordship

how much I was surpriz'd to understand,

by the Letter wherewith you were pleas'd

to Honour me, that there are some Persons

among us who do not approve of our insisting on

the Restitution of the Whole *Spanish* Monarchy,

and the indispensable Obligation the King of France

is under of contributing towards it, in the *Prelimi-*

nary Articles drawn up at the *Hague* last *May*.

You command me to give you some Reasons, for

asserting the Justice of those Two Demands of the

Allies. It will not be a difficult Matter to find

such Reasons, but rather to pitch upon the Choice

of a Multitude that occurs.

* Du Plessis, Prolégom.
Du Hallan, lib. 1.

There

There are only Two Bases on which *France* can ground its Pretensions to the Crown of *Spain*.

The First is the Right of Blood, and being next in Descent; the Second is King *Charles's* last Will in Favour of the Duke of *Anjou*. I shall easily make it appear that *France* is ill-grounded on both Respects; and then conclude, that the said Crown having plac'd the Duke of *Anjou* on the Throne by the most Odious Manner of Usurpation, nothing can be more Just than to oblige the same to redress the Evil it has alone been guilty of, and to restore to the Rightful King a Monarchy, which has been usurp'd with the Breach of the most Sacred Oaths, and most Solemn Renunciations.

To begin with the Right of Consanguinity: When *France* proposes to make void the Renunciation of *Mary Teresa*, they talk of that Her Right as the most Sacred and Inviolable; they loudly declare that Queen could not wrong Her Descendants by that Renunciation; in short, they pretend that the Right of Proximity is indelible, and so link'd to the Person of the next Heir, that nothing can separate it.

I put the Question, whether allowing of these Principles, the Females may be debarr'd the Crown when they are next to it in Descent? Yet this is what *France* practices. They plead the *Salique Law*; but *Du Pleix* owns, * That the *Salique Law* no way regards the Succession of the Crown in Favour of the Males, and to the Exclusion of the Females, and that it was not enacted for that End. And † *Du Haillan* informs us, That the *Salique Law*, as it regards the Exclusion of Females, was not made by *Pharamond*, but that it was invented

* *Du Pleix*; Prolegom. a l'Hist. de *France*.

† *Du Haillan*, lib. 1.

vented by King Philip the Long, in order to deprive his Niece, the Daughter of Lewis Hutin, of the Succession to the Throne. This Mezeray seems to grant, when at the End of Lewis Hutin's Life, he says, *The Succession of Males to the Crown was settled, not by any written Law, but by an Involuble Custom among the French; however, in regard that the Females succeeded in all other Kingdoms, and there had not hapned any Occasion to exclude them in France for many Ages, the Kindred of Jean, the Daughter of Lewis Hutin, by the Mother's Side, pretended that the Crown belong'd to her; but the Great Men of the Nation, and the Peers assembled in Parliament, declar'd in Favour of Philip.*

Thus the Right of several Kings of France is grounded upon this Decision of the Estates, and not on Proximity of Blood. The same Estates call'd Philip de Valois to the Crown, excluding Edward III. King of England, who was Nephew by his Mother Isabel, to Charles the Fair, whereas Philip de Valois was only his Cousin-German. Shall the Estates of France then have a greater Privilege to debar the next Heirefs, and Male Issue, from a Throne that is actually vacant, when they appear to claim their Right, than the Estates of Spain have to cut off Mary Teresa, and her Progeny, from an uncertain and remote Expectation, when that Princess gives her Consent by a Solemn Act of Renunciation?

Besides, if the Women had a Right of Inheritance in several States, which have been Incorporated in the Crown of France; and if, for the most part, that Incorporation has been made only in Virtue of that Right, and by Marrying the Heiresses of these several States, can any thing be more absurd than to maintain, that the Females shall, after the Incorporation, lose that Right to

the Whole, which is compos'd of Parts where the Females did inherit.

The Dutchies of *Nevers*, of *Montpensier*, of *Guise*, of *Main*, of *Alençon*, have been reunited to the Crown by Females; *Languedoc* and *Gascony*, by the Marriage of the only Daughter of *Raymund*, the last Earl of *Toulouse*, to *Alfonso*, Brother to *St. Lewis*, *Champagne* and *Prie*, by the Marriage of *Jean*, Queen of *Navarre*, to *Philip* the Fair; *Provence*, by the Marriage of *Beatrix*, Daughter and Heiress to *Raymund Berengarius*, to *Charles* of *Anjou*; *Bearn*, *Bigorre*, and the Dutchy of *Albret*, by the Marriage of *Jean d'Albret* to *Antony*, Father to King *Henry IV.*

From the Days of *Charlemaign*, till *Charles*, the last Duke of *Burgundy*, being 800 Years, there was never any Talk of a *Salique* Law for *Burgundy*; nor was there ever any Controversie concerning the Right of the Females, by Virtue whereof, *Mary*, Daughter and Heiress to *Charles*, transferr'd to the House of *Austria* that Noble Inheritance, marrying *Maximilian*, Grandfather to the Emperor *Charles V.* *Normandy* has receiv'd no other Laws but those which govern us at present, and which having been brought over to us by *William* the Conqueror, have been carefully maintain'd by his Successors. *Guyenne* was the Dowry of *Elenor*, Daughter to the last Duke *William*, the Ninth of that Name. She convey'd that Fine Country to King *Lewis* the Young, who having been divorc'd from her after his Return from the Holy Land, and restor'd her Dowry, enrich'd King *Henry II.* of *England* with that valuable Prize, that Prince making no Scruple to marry *Elenor*, notwithstanding the Gallantries, which had occasion'd the Divorce. To conclude, *Britany* was reunited to the Crown by the successive Marriages of *Anne* of *Britany* to the Kings
Charles

Charles VIII. and Lewis XII. and by that of Claude, Daughter to Anne, with King Francis I.

These are the principal Parts which compose the Crown that so severely debarrs Females from the Succession, and yet by a manifest Contradiction, at the same Time it excludes the *French* Princesses of the Blood Royal, submits under Minorities to the suspicious Government of Foreign Females, as appears by the Instances of *Catharine*, and *Mary de Medicis*, and of *Anne of Austria*; not to look back so far as the Regency of *Blanch of Castile*, Mother to *St. Lewis*, and other Examples more remote from our Times.

But allowing the *French* that none but Males can be admitted to the Succession of their Crown, let them tell me whether they have never broke in upon the regular Descent on much slighter Reasons than those on which the Renunciations of *Anne of Austria*, and *Mary Teresa*, are grounded?

What had King *Childerick III.* done, to be depos'd by the Estates Assembled at *Soisson*? Could any Thing be laid to his Charge, besides a forc'd Slothfulness, which he was oblig'd to live in by those who had possess'd themselves of the Government? What Danger would *France* have been in, had *Pepin* contented himself with being possess'd of all the Authority, forbore the Royalty, and not shut up *Childerick* in a Monastery to seize the Crown? It is certain he was himself sensible of the Injustice of that Action, since to stop the Murmurs of the People, he caus'd it to be authoriz'd by Pope *Zachary*, who standing in need of *Pepin's* Assistance against the *Lombards*, decreed,
* *That the French were discharg'd from their Oath*

to Childerick, since he was incapable of governing them.

Were there no Males of the Royal Family after the Death of *Lewis V*? Was not *Charles* of *Lorrain*, Brother to King *Lothaire*, who was Father to *Lewis*, still alive and well? Did not he profess himself Heir to the Crown of *France*? And yet did not the *French* Nobility, assembled at *Noyon*, transfer it to a strange Family, electing *Hugh Capet*, tho' they had nothing to object against *Charles* of *Lorrain*, but that he had adher'd too much to the Emperor *Otho*? Certainly, had the so much boasted *French* Principle, of a Lineal Succession, inviolable annex'd to Proximity of Blood, at least in Favour of the Males, been regarded at that Time, the House of *Bourbon* had not now been on the Throne, and we should now be sav'd the Trouble of controverting the Right of *Mary Teresa*, For that Queen's Renunciation could not take Place to the Prejudice of her Children; the Exclusion of *Charles* of *Lorrain* ought not to prevail against his; for he had several Sons when he was excluded, and they were too young to have been concern'd in the Alliance with the Nations Enemies, which was urg'd against their Father.

It has never been question'd, but that it was lawful for Sovereigns to resign their Crowns. It is lawful to renounce that which a Man is possess'd of in full Property; much more then is it so to renounce a Kingdom, since Kings do not hold it as a Property, but have only the bare Administration of it. *Carloman*, eldest Son to *Charles Martel*, resign'd the Crown, tho' he had several Sons, to his Brother *Pepin*, in order to embrace a Religious Life. Others have done it to live private, as Queen *Christina*. *Henry III.* by his flying out of *Poland*, made it appear, than an Elective Kingdom

Kingdom may be Abdicated; tho' the Duty of Reigning being there grounded on a mutual Contract, seems more indispensable than in Hereditary Monarchies. In all these Cases, the Children Born after the Abdication of the Parents, find themselves excluded, without any Hopes of Redress, and are oblig'd to submit, not only to the Prince, whom the Abdication has plac'd on the Throne, but even to his Successors. If then it be lawful for Princes to resign a Crown they actually wear, for their private Ease, and sometimes for a meer Conceit, might not the *Infanta*, with much more Reason, renounce the Hopes of an uncertain Succession, to marry a Potent King, and to secure the Peace and Tranquillity of Two Mighty Monarchies?

But how can *Roman* Catholicks so much cry up the Right of Consanguinity in the Succession of the Crown, since they have so often made it precarious to the Pope's Excommunication? I will not speak of the Emperor's *Otho* IV. *Henry* IV. and *Frederick* II. excommunicated by *Gregory* VII. and *Gregory* IX. I will not search for Instances in our own History. I will not take Notice either of King *Henry* II. or King *John*, excommunicated by *Alexander* III. and *Innocent* III. All Histories are full of such Practices of Popes, and of the Blind Obedience paid to them by the People, whom they had absolv'd of their Oaths of Allegiance upon those Occasions. To confine ourselves to what has hapned in *France*, we there find King *Philip* I. excommunicated by Pope *Urban* II. and all his Kingdom under an Interdict. We there see the Decrees of the Faculty of *Sorbonne* against King *Henry* III. wherein the said Faculty, pursuant to the Monitory set out by Pope *Sixtus* V. decided, *That the French were absolv'd from their Oath of Allegiance, and that it was lawful for them*

to take up Arms against Henry de Valois, since he violated the Public Faith, by causing the Guises to be massacred at the Assembly of the Estates at Blois. Which Decrees were follow'd by a general Revolt from that Prince, and at length deliver'd him up to the Poniard of a Villanous Assassin: Had the Right of Consanguinity been regarded after his Death, could King Henry IV. have been deny'd the Crown? Yet it is universally known that he had never attain'd it, had he not forsaken his Religion, and obtain'd the Pope's Absolution. If it was lawful for a Part of the *French* Nation to exclude that Prince, in Hatred to his Religion, tho' that was profess'd by a great Number of *French*, ought the *Spaniards* to be deny'd the Right of taking necessary Precautions to avoid becoming Subject to *France*? And can they be blam'd for having provided against it at the *Pyrenean Treaty*, by the Renunciation of *Mary Teresa*?

But it was not then that the *Spaniards* begun to conceive reasonable Jealousies of the Arms of *France* towards their Monarchy. The Contract of Marriage betwixt *Lewis XIII.* and *Anne* of *Austria*, Daughter to *Philip III.* contains the same Renunciations as that of *Lewis XIV.* with *Mary Teresa*, Daughter to *Philip IV.* Never were any Renunciations more particular, more full, more special, or more voluntary. Both Contracts of Marriage contain the same Motives, the same Spirit, the same Expressions, the same Clauses, and the same Precautions against all Cases whatsoever. These Renunciations have been confirm'd by the Kings, and by the Kingdom of *Spain*; and they sworn to, and ratify'd in the most Solemn Manner by the Kings of *France*, *Lewis XIII.* and *Lewis XIV.* being also enroll'd by their Order in the Parliament, the Court of Aids, and the Chamber of Accounts,

We

We will be content in this Place with Ascertain-
ing the Validity of *Mary Teresa's* Renunciation;
for after that, there will be no room for Contro-
verting the Validity of the Renunciation of *Anne*
of *Austria*.

When *France*, rather tired than satisfy'd with a
War of 25 Years, and disabled by Intestine Broils
from prosecuting of it with the same Vigour, at
last resolv'd to hearken to some Overtures for
Peace, those who sincerely undertook the Manage-
ment of that great Affair were of Opinion, that
a Match would be the most powerful Means, and
the most indissoluble Knot, towards rooting up of
the Evil, reconciling the natural Antipathy be-
tween the Two Nations, and settling a real Friend-
ship between the Two Kings. The only Obstacle
was the Fundamental Law of the *Spanish* Monarchy,
which renders it inalienable, and will not permit
its being annex'd to another; which the *French*
would have pretended might possibly happen, had
not *Mary Teresa* renounc'd her Right; because the
Laws of *Spain*, tho' they always prefer the Males
in the Succession to the Crown, yet admit of Fe-
males, for want of Males, in the same Line. The
Business therefore in Hand was to secure the
Peace and Prosperity of so great a Multitude of
People as were subject to that Noble Monarchy.
The Business was to prevent its becoming a Pro-
vince of *France*, and by Means of that Incorpora-
tion, liable to lose its Privileges, and brought un-
der the hardest and most despotick Government
in *Europe*. On the other Hand, it was requisite
to settle a perfect Equality between the Two Par-
ties contracting. Every Man knows, that the
Custom observ'd in *France*, which has been set off
with the Pompous Title of the *Salique* Law, ex-
cludes Women from the Succession to the Crown;
so that marrying of them conveys no Right to
Families

Families Abroad. Are the *Spaniards* to be blam'd for refusing to give the *French* more in that Particular than they could receive from them? And would it be reasonable, since *Spain* could not be entituled to the least Right to the Crown of *France*, by the Marriages of *Philip II.* and *Philip IV.* to the Daughters of *Henry II.* and *Henry IV.* that *France* on the other Hand should be put into a Possibility of annexing the Monarchy of *Spain* to its Crown, by Virtue of the Marriages of *Anne of Austria*, and *Mary Teresa*?

It may be objected, that the *Salique* Law does not allow Women to succeed to the Crown of *France*. I answer, that the *Pyrenean* Treaty does not allow the Issue of *Mary Teresa* to succeed to the Crown of *Spain*. I cannot believe any Man will presume to say, That Treaty so solemnly Sworn, is less binding than a Phantom of a Law, the Author whereof is uncertain, and the Contents of it nowhere to be found. If it be an Act of Injustice to exclude the Race of *Mary Teresa*, by Virtue of a Renunciation made before they were Born, is it not equally so to deprive a Sex for ever of its Right of Consanguinity, and rather to seek for Kings among the Subjects of the Crown, than to admit the Daughters of the Royal Family, or their Descendants, to the Throne of their Ancestors? And if the *French*, for the Advantage of their Crown, have the Right of settling a Custom among themselves, which is so opposite to the Practice of other Nations; why may not *France* and *Spain*, acting in concert, not only to Establish the Repose and Prosperity of the Two Monarchies, but to give Peace to *Europe*, almost exhausted by a tedious War, give the Sanction of irrepealable Law to a Treaty solemnly sworn, and only grounded on the Renunciation?

All Men were then fully perswaded that there could be no lasting Peace between the Two Crowns without the Marriage; and it is certain there could be no Marriage without the Renunciation; so that if the Queen had not renounc'd, the *Dauphin* and his Sons would have been so far from having any Right to the Crown of Spain, that they would not have been in the World.

The Contract of Marriage, and the Renunciation, are not to be look'd upon as distinct from the Treaty of Peace, since the 33d Article of that Treaty expressly says, *That the Contract, tho' separate, shall have the same Force and Validity as the Treaty of Peace, as being the Principal Part of it, and the most Precious Pledge for its greater Stability and Duration.*

That Contract is not to be look'd upon as a Private Agreement; subject to the Laws and Customs of Places, the Interpretations of Lawyers, and the Art of Cavilling. Yet such was the Behaviour of *France*, when taking the Advantage of King *Charles* the Second's Minority, in the Year 1667, it poured Mighty Armies into the *Low Countries*, after Publishing a long Manifesto, importing, *That Brabant was devolv'd to the Queen of France upon the Death of the King her Father*, by Virtue of a Law of that Country, which calls the Eldest of the Children to the Succession; as if Solemn Treaties, Concluded between Two Potent Monarchs, for the Good of their Dominions, would be subordinate to Inferior Courts. Who is so Ignorant as not to know, that those Treaties being grounded on the Laws of Nations, lays a Natural Obligation on the Parties contracting, which no Civil Law can cancel? Who is so Ignorant as not to know, that since it is the Law of Princes they cannot infringe it without Injustice, or make any Amendment without mutual Consent?

And in Case King *Louis XIV.* would, in the Year 1667, take the Advantage of an Article in the Customs of *Brabant* wrong understood, and worse applied, why did he suffer the following Words to be inserted in the Contract of Marriage? *And the said Renunciation and Ratification shall be made in the most Authentick and Effectual Form that may be, for rendring of them good and valid; together with all Clauses derogatory of any Law, Jurisdiction, Custom, Rights and Constitutions, to the contrary; or which may either in Part, or in the Whole, obstruct the said Renunciations and Ratifications, which their most Christian and Catholick Majesties shall, and from this Time do, intirely derogate.*

Can it be alledg'd, that the Renunciation was not General, and that it does not comprehend all Parts of the *Spanish Monarchy*? Can it be urg'd, that it only obliges *Mary Teresa*, without mentioning her Descendants in it? Let the following Clause of the Contract of Marriage be read. *Their Majesties Enact by this Contract, which shall have the Force and Vigour of a Firm and Settled Law for ever, in Favour of their Kingdom, and Commonweal thereof, that the Lady Mary Teresa, and the Children Born of her, whether Males or Females, and their Descendants, First, Second, Third, or Fourth, Born hereafter in any Degree whatsoever for evermore, shall not be capable of succeeding, nor shall succeed in the Kingdoms, States, Lordships and Dominions, which do or shall appertain to his Catholick Majesty, nor in any of his Kingdoms, States, Lordships, Provinces, adjacent Islands, Fiefs, Captainships, nor in the Frontiers, which his Catholick Majesty at present possesses, or which do, or shall, belong to him, as well within as without the Kingdom of Spain, and which for the future his Catholick Majesty or his*

Suc.

Successors shall have, possess, and appertain to them; nor to any of those that are comprized in, or depend on, them; nor even to all those which hereafter, at any Time whatsoever, he may add to his said Dominions, or which may devolve to him; or by any Right or Title whatsoever, either during the Life of the said Lady Mary Teresa, or after her Death; the said Lady remaining well and duly Excluded, together with all her Children and Descendants, Males or Females, whatsoever they may alledge or pretend.

Can it be alledg'd, that the Countries, which King Lewis XIV. in the Year 1667 pretended were devolv'd to the Queen his Wife, ought at least to have been specified? Read but what follows. It is the Will and Intention of their Majesties, that the most Serene Infanta and her Descendants remain for the future, and for ever, debarr'd from being capable Succeeding, at any Time, or on any Account, to the States of the Country of Flanders, the Earldom of Burgundy and Charolois, their Appurtenances and Dependances.

Compare this Clause in the Contract of Marriage, I beseech you, my Lord, with the Declaration made by Lewis XIV. to the Towns of the Low Countries in the Year 1667, after endeavouring to perplex their Understanding with that long Manifesto, in which the Queen's Rights have no other Ground to subsist on but the Subtilties of the meanest Artifice. The Queen's Right, says he to them, being evidently made out by the Manifesto already Publish'd, the most Christian King is resolv'd to appear before the Gates of all the Towns in Brabant, Hainault, and the other Provinces of the Low Countries, which are fallen to the Queen, at the Head of an Army of 60,000 Men, to protect his New Subjects against those who would debauch them from their Loyalty. The

Declaration, a little after, adds fair Promises for those who shall voluntarily submit, and concludes with these Remarkable Words. *His Majesty only speaks of Favours, being persuaded that all the Towns of these Provinces will open their Gates to him, and own him for their True, Lawful and Natural, Sovereign, his Royal Clemency and Paternal Goodness not permitting him to believe that any of his New Subjects will offer to oblige him to punish a Crime of Rebellion.*

Very agreeable Reflections might be made on his Clemency, and the Goodness of an Army of 60,000 Men, which having in the midst of Peace, by Surprise, invaded a Country that was destitute of Forces, possess'd itself of *Aeth, Tournay, Douay, Oudenarde, Alost, Armentiers, Bergues, Furnes, Dixmude, Courtray* and *Lisle*, whilst another Army took *Besançon, Salins* and *Dole*. An Encomium might be added on the Conqueror's Moderation, who was content to restore *Franche Comte* by the Treaty at *Aix la Chapelle*, contenting himself with retaining the Conquests made in the *Low Countries*.

But to return to the Renunciation made by *Mary Teresa*, can it be said to have been extorted by the Authority of a Parent from a Child that could not judge of its Consequences? Read but the Act of Renunciation, there it will appear that the said Princess was of Age, being past One and Twenty, and that she had maturely weigh'd what she was doing. Besides, every Body knows, that *Philip IV*, who was as Good a Father as a Prince, on the one Side represented to the Princess his Daughter the Crown of *France*, and the Person of his most *Christian Majesty*, with all the Advantages attending such a Noble Match, and on the other the Renun-

ciation,

ciation, without which that Princess could not pretend to it, leaving her Absolute Mistress of her Fate and Choice.

Can it be urg'd, that the Heinous Wrong attending such a Renunciation is sufficient to occasion an entire Restitution? But where is the Wrong in this Case? *Mary Teresa* only preferr'd becoming immediately Queen of One of the Noblest Monarchies of the World, before the uncertain Hopes of a Succession, which was at a great Distance, as having Two Brothers at the Time when the Match was upon Treaty. So that she quitted an Uncertain and Remote Advantage for One that was Sure and Present, and Bare Hopes for a Real Possession; besides that, it being provided by Irrepealable Laws, that the Monarchy of *Spain* should never be united to that of *France*, the *Infanta* could never retain any Right to the First of those Monarchies, after preferring the aQual Possession of the Latter, tho' she had never renounc'd.

It cannot be alledged, that the Renunciation was made by *Mary Teresa* in Consideration of the Portion of Five Hundred Thousand Gold Crowns, agreed upon in the Contract of Marriage; and that the said Portion having never been paid, therefore the Renunciation is to be took'd upon as Null; for besides that, there is not the least Proportion between the said Sum and the Monarchy of *Spain*, which was to be renounced; it appears by several Passages, both in the Contract of Marriage, and the Act of Renunciation, that the said Renunciation was grounded upon a Nobler Motive, *viz.* the Prosperity of the Two Monarchies. In Regard, as is there express'd, that it concerns the Public Weal, and the Preservation of the Two Crowns, that being so great, they may never come to be united. And again below,

His

His Catholick Majesty regarding the Public and General Good of the Kingdoms God has entrusted him with, which Kingdoms, and those of France, are equally concern'd, that the Grandeur and Majesty they have for so many Years supported and maintained be not sunk or diminish'd, as of Necessity it would sink and diminish, if by Means, and on Account, of this Marriage they should come to be join'd and united under any of the Children, or Descendants, which would occasion the Subjects and Vassals as much Discontent and Trouble as may be imagin'd. Next are enumerated several Public Advantages accruing by that Renunciation, which are laid down as the Essential Foundation of the Peace; and it is alledg'd, That it would for the future facilitate other Marriages between the Two Crowns, which the pretended Salique Law would ever have render'd impracticable, had not such a Remedy been agreed on.

In short, I ask, whether Treaties and Oaths are to be look'd upon as of no Value? Sovereigns have no other Way to put an End to their Controversies but by Treaties. The Justest Wars are only the Means to come to them; it is the Prince's Duty to take Care among his Subjects that the most Powerful does not oppress the Weakest. Treaties have been invented to the same Effect among Princes. France in particular admits of no Judge, or Prescription, in regard to the Sovereignty of the Crown. There remains nothing then but Treaties that can set Bounds to their Pretensions; and if it is allow'd to break through that Barrier, there will be no other Right but Force; and there will scarce be any other Choice left, but a Shameful Slavery, or an Everlasting War.

The Religious Part of an Oath is sometimes added, in order to make the Duty of observing Treaties more inviolable. This Bond, which is
the

the most Sacred that can be found among Men, was made use of for the Perpetual Security of *Mary Teresa's* Renunciation. It was not she alone that bound herself by Oath for herself and her Descendants, but *Lewis XIV.* also oblig'd himself by Oath for himself and his Successors. To avoid being tedious I forbear inserting here the Form of their Oaths. But, my Lord, if you will give yourself the Trouble of reading it, you will not be able to avoid conceiving a just Horror against those, who, by infringing the *Pyrenean Treaty*, have added Perjury to Insincerity.

Let us conclude, that the *French Method* is to interpret Treaties only by the Rule of their own Interest. Put the Case that they are to appropriate to themselves the Monarchy of *Spain*, then Oaths and Renunciations are look'd upon as of no Moment; but if it be requir'd to perform the Treaty of *Madrid*, and to restore *Burgundy* and *Charelois* to the Emperor *Charles V.* no sooner is *Francis I.* come out of his Prison, and has set his Foot in *France*, than in an Assembly of Select Persons conven'd at *Cognac*, he causes it be determin'd, That Promises made under Confinement are null; and that the Laws of the Kingdom do not allow him to dismember any Part of it.

Having prov'd that the House of *France* has no Right to the Crown of *Spain* by Proximity of Blood, it remains, my Lord, that I show it has none by the last Will of King *Charles*. I shall in the first Place observe the Contradiction the *French* run themselves into, by setting up Two Pretensions, one of which of Necessity overthrows the other. If the Case be put, that *Mary Teresa* could not take away the Right of Her Descendants by Her Renunciation, then they cry up the Right of Blood, as the most Sacred and Indelible. But if the Case be to establish the Right of the Duke

Duke of *Anjou* on the last Will of King *Charles*, then they argue quite after another Manner. Certainly if only Proximity ought to regulate the Succession, King *Charles* could have had no other Heir but the *Dauphin*. That Prince and the Duke of *Burgundy* are to be preferr'd before the Duke of *Anjou*; and the Will which constitutes the latter is void of Course. But if the *Dauphin* could effectually renounce all his Right in Favour of his Second Son, and if it was lawful for him to do such Wrong to the Duke of *Burgundy* and his Posterity, how can the Validity of *Mary Teresa's* Renunciation be call'd in Question?

I beseech you, my Lord, in this Place to call to Mind, as a Fundamental Maxim, that Kings have not their Kingdoms in Demain, or as absolute Owners; and that consequently it is not in their Power to dispose of them, either whilst Living, or by Will. Every Man knows that Royalty is an Office and Administration which gives Kings no Property. They are made for the People, not the People for them. It is from the People that they hold their Primitive Authority. The Individuals having discover'd the indispensable Necessity of uniting together for their mutual Preservation, associated themselves by Means of the Bond of Civil Laws, to the Intent to maintain their Natural Prerogatives. It was only upon the Prospect of forming an Authority which might be better able to protect them that the Heads of Families ceas'd to be Sovereigns in their Houses, and resign'd their Right to a Magistrate, who took upon him to provide for the Common Safety; whence it plainly follows, that the People did not confer the Right of destroying their Religion, of abolishing their Privileges, of usurping their Goods, and of disposing Arbitrarily of their

Lives,

the Duke of Burgundy the Right of the

Lives, on Sovereigns; whom they only chose to secure their own Preservation.

Much less did they give them a Right to dispose of their Dominions, and to alienate the Kingdom by Resignation, Gift, or Will. It is allow'd the Prince to resign the Crown, and ease himself of the Burden of Government, if he thinks it too heavy; but every Prince who yields up the Kingdom, or subjects it to another, without the Consent of the People, or of the Estates representing them, is reckoned to have done nothing. Such an Act is repugnant to the Nature of Government. It is absolutely null.

The *French* always look'd upon *Charles VII.* as a lawful King, and yet he had by Solemn Judgment declar'd to have forfeited the Crown. The Murder of the Duke of *Burgundy* committed in his Presence, and by his Order, had render'd him Odious to all *France*. His Father, *Charles VI.* his Mother *Isabel*, of *Bavaria*, and most of the Great Men of the Kingdom, had declar'd *Henry V.* King of *England*, Successor to *Charles VI.* and that by a Treaty of Peace, confirm'd by the Marriage of *Henry V.* with *Catherine*, Sister to the disinherited Dauphin. He appeal'd to God, and his Sword; and the *French* placing him on the Throne after his Father's Death, sufficiently testify'd that it had not been in the Power of *Charles VI.* to exclude him.

But to come to a later Example, when the Old Duke *Charles* of *Lorraine* had concluded a Treaty with *Lewis XIV.* by which he yielded up to him his Dutchy, to be incorporated to the Crown of *France*, but still upon Condition that the Princes of *Lorraine* should succeed to the Crown of *France*, in Case the Male Line of the House of *Bourbon* should happen to fail, the Parliament, and the best Heads in the Nation, made so much Noise about

about that Condition, and so earnestly represented that it did not belong to the King, without the Consent of the Kingdom, to admit a Foreign House to the Succession of the Crown, that *Lewis XIV.* notwithstanding all his Absolute Power, was oblig'd to desist.

It is a Maxim in the Civil Law, and in Right Reason, that a Man cannot dispose of those Things by Will, which he had not a Right to dispose of in his Life. This may be apply'd to the Case in Hand. Among us there is no Difficulty about it. Your Lordship knows, that *Edward* the Confessor having left the Kingdom of *England* by Will to his Kinsman *William* the Bastard, Duke of *Normandy*, the *English* took no notice of it, but plac'd *Harold II.* on the Throne. You know that Queen *Mary* ascended the Throne, notwithstanding the Will made by King *Edward VI.* in Favour of *Jean* of *Suffolk*. But to stick to *France*, I would know what they would say there of a King, who looking upon the *Salique* Law as unjust, should leave the Kingdom by Will to the next Princess of the Blood, in Prejudice of a Prince who should happen to be more remote? Do you believe, that in Obedience to such a King's last Will the Order always observ'd in the Succession would be inverted, and that *France* would submit to the Government of a Queen? What would be thought of a King of *France*, who believing the Pretensions of the House of *Austria* to the Dutchy of *Burgundy* to be well grounded, should by Will order that Family to be put into Possession of it? Do you think the Kingdom would be declar'd alienable in the Whole, or in any Part, in Obedience to him?

It is most certain, that if the King of *Spain* had alienated the Demains of the Crown of *Spain*, that Alienation had been null; for no Man can dispose

of

of what is not his own ; and the Demain is not the King's, he has only the Enjoyment or Benefit of it. Would it then not be lawful for King Charles to alienate the Demains of the Crown? And could it be allow'd him to alienate the Crown itself? It seems that they who drew up the Will of Charles II. were sensible that the said Prince exceeded the Bounds of his Power in transferring the Crown to a Foreign Family ; for in the 12th Article they make him say, *Therefore I am apt to believe that my Subjects will freely acquiesce to what is most just, when they shall find it authoriz'd and confirm'd by my Sovereign Will.* Words which sufficiently demonstrate how necessary those Persons who had the Management of that Weighty Affair did believe the Consent of the People, for justifying of the Disposition made by the Will.

Besides, that Will calls a *French Prince* to the Succession on Account of the Right of Blood, and Proximity of Kindred. This is expressly declar'd in it. So that the Testator supposes a Right in the Sons of *France*, which they must have had tho' he had dy'd without a Will. By which it appears that he gives him no new Right by Will ; and that if they could not have succeeded him, dying without a Will, they can no more succeed him by Virtue of the Will.

Here we must call to mind, that the Right of Proximity, which the Will supposes, and on which the Testator grounds the Justice of his Disposal, is the same Right which *Anne* and *Mary Teresa* had renounc'd, both for themselves, and for their Descendants, to the Worlds End ; so that if the Renunciation of those Princesses be valid, as has been demonstrated, the Will can be of no Force, since it is grounded only on a Right which the Renunciation had made void. It is true, the 14th Article of the Will declares, *That the Renuncia-*

tions of Anne and Mary Teresa were made without any Substantial Reasons, and Legal Grounds. But is it not strange, that King Charles should, at the Point of Death, be made to deliver himself in a manner so contradictory to all the Actions of his Life? That he should be made to sully the Memory of the King, his Father, who, by a solemn Will, confirm'd the Renunciations of his Sister and Daughter? And that it should be presented, that the said Prince should, at that last Moment, when the most sublime Capacities have only weak Notions, and confus'd Idea's, believe himself wiser and clearer-sighted than so many Able Ministers, as were concern'd in those Acts of Renunciation, and than all *Spain*, which had look'd upon them as the most solid Basis of its Peace and Safety?

In short, whosoever will but take the Pains to read the Act of Renunciation, will there find in several Places, that *Mary Teresa*, and her Descendants, are there excluded *for ever, and whatsoever may happen*; which among all possible Cases that may happen, includes that of a free and voluntary Will, and a *fortiori* than of a Will extorted by Intrigue and Corruption, not to say of a Will Forg'd, and altogether Counterfeit.

That King Charles's Will was at least extorted is most obvious. As soon as that Prince had the Use of Reason he made his Complaints to all *Europe*, that *France* had broke the *Pyrenean Treaty* by the War in 1667. He affirm'd, that his Sister's Renunciation extended to all the Dominions of the Crown of *Spain*, and that the *Low-Countries* were included. He publish'd demonstrative Answers to all the Manifesto's by which *France* endeavour'd to assert the Queen's pretended Right. From that time forward the said Prince in all his Behaviour express'd an invincible Hatred to *France*. His Dominions had been the main
Seat

Seat of the unjust Wars carry'd on by that Crown. His Union with the Emperor had been strict and inviolable, and their Interests always the same. Is it possible not to see into the Contrivance, when we behold such a Prince, weakned both in Body and Mind, and beset by a Cardinal and Ministers already gain'd over, submit Two Days before his Death to Importunity, Intreaties, Threats, and Terrors of Conscience, and consent to a Will, by which he contradicts all the Course of his Life, disinherits his own Family, strengthens his most mortal Enemies with his Inheritance, and plunges his Subjects into an Abyss of Calamities? Can we look upon that as his last Will, which far from looking like the Act of a dying Man, spent with the violent and repeated Fits of an inveterate Distemper, which is of such a Length, and drawn up with so much Arr and Caution, that it plainly appears every Expression in it was most carefully weigh'd, and that it was the Product of the most refin'd Policy, and of the profoundest Meditations of the Cabinet Council?

I do not think it will be objected, that the Spanish Nation receiving the Duke of *Anjou*, has by that Assent confirm'd King *Charles's* Will, and sufficiently vacated the Renunciations of the *Infanta's*; for every Man knows that the King of *France* took special Care not to consult the Nation, and assemble the *Cortes*, or Estates, to ask them, whether they would accept of the Duke of *Anjou*, or not? Your Lordship knows how far *France* was from putting the Success of that mighty Affair upon the Consent of the Estates of several Kingdoms in *Spain*, and from hazarding a Succession which was believ'd to be beyond all Controversie. The very Moment that *Lewis XIV.* declar'd he would rather accept of the Will than of the Treaty of Partition, he treated his Grandson

as King of *Spain*, he paid him all the Honours, and sent him to govern a Nation that was under a Consternation, and readily, without daring to murder openly, receiv'd a Prince, who as yet had no Competitor; whom *Lewis XIV.* having no Enemies upon his Hands, could have supported with 60,000 Men, if there had been Occasion; and whom almost all the Potentates of *Europe* made haste to own. Never any Thing was farther from being voluntary than such a Consent. Accordingly it has lasted no longer than the Nation was necessitated to it by the Posture of Affairs. We have since seen *Aragon*, *Valencia*, and *Catalonia*, submit to the lawful Sovereign as soon as he appear'd; the rest of the Monarchy in a Ferment upon that Example, and with Difficulty curb'd by the *French* Armies; and in short, true *Spaniards* loudly complain, that a *French* Ambassador was in their King's Council; the Nobility despis'd, the Trade of *Spain* ruin'd to improve that of *France*, and *Spain* govern'd by a *French* Ministry, and over-run by *Lewis* the XIV's Army, whilst at the same Time, such as express'd any Zeal for their Native Country were either sent Prisoners into *France*, or publickly Executed at *Madrid*. We may therefore assure ourselves, that could the *Spaniards* see *France* reduc'd by the future Treaty of Peace to a Necessity of abandoning them, and intermeddling no more with their Affairs, they would reassume their former Maxims, grow weary of a *French* King, and dreading above all Things the dismembring of their Monarchy, submit themselves to a Prince that were in a Condition to keep all Parts united under his Dominion.

After what I have said concerning King *Charles's* Will, I dare flatter myself that your Lordship will agree, that *France* has been so far from acquiring any new Right by such a Will, that it has
rather

rather deserv'd to have forfeited any it had otherwise, if any such were, for the unworthy Artifices made use of to extort it.

Thus it is clear that *France* has no Right, and cannot ground its Pretensions either on Proximity of Blood, or the Will of King *Charles*. It is by meer Usurpation that *Lewis XIV.* has plac'd the Duke of *Anjou* on the Throne of *Spain*; and that being granted, nothing can be more just than what the Allies aim at; which is to oblige *Lewis XIV.* to procure the Restitution of it. This their Aim or Pretension is what I am further to entertain your Lordship with. It will doubtless be urg'd, that it is not the Part of *France* to oblige the Duke of *Anjou* to quit the Throne; and that supposing the Pretension of the Allies to be justly ground'd, yet the Execution is never the more practicable. I answer, that since *France* has been the Occasion of the Evil, the Allies cannot be blam'd for maintaining that it is bound to make Reparation at its own Expence. *France*, to put the Crown on the Duke of *Anjou's* Head, has broke through the most Solemn Treaties, the most Positive Renunciations, and the most Sacred Oaths, is it not Justice then that it should bear the Penalty of its Infractions and Perjury?

I put the Question, Whether when a Man has taken the Goods of another he is not oblig'd to Restitution? And whether it would not be most absurd to alledge, that he may be discharg'd by saying, he has not those Goods in his Possession, that he has given them to his Father or his Son, and it would be unnatural to forcethem from him? Is it to be imagin'd that Upright Judges would be satisfied with such Excuses? And even in Case the Goods so wrongfully taken were no longer in Being, would not they adjudge the Person that had seized them to make good the Damage

image he had occasioned out of his own Estate? It is not only Law and Justice that require it; Conscience itself claims the same. There is no Hope of Salvation without Restitution; and tho' a Man had given another's Goods to God, the Church, or the Poor, yet that does not take off the Duty of Restitution, especially when the Usurpation was attended with Perjury, and the Violation of Oaths, the Breach whereof concerns the Divine Majesty. And since the Duty of Restoring what is ill-gotten descends to the Heirs, it is not only the King of *France*, but his Successors, who are oblig'd to the Restitution of an Estate, which *Lewis XIV.* has dispos'd of in Favour of the Duke of *Anjou*; contrary to all Law and Reason, Oaths and Treaties.

Thus your Lordship perceives how high the Allies might, in Justice, carry their Pretensions against *France*; but they are far from proceeding to the utmost Rigour. They are satisfied with demanding Security of that Crown, that it will neither directly nor indirectly assist the Duke of *Anjou*; to make good this Security it is that they demand a Good Barrier of *Lewis XIV.* It is now or never; it is by the ensuing Treaty of Peace; or by none, that *France* must be disabled for disturbing of *Europe* again. If that must cost her Dear she may thank herself. The Affair in Hand is to be no longer impos'd upon by a Crown, which, by Means of one Treaty after another, and one Rupture after another, has, since the Death of King *Charles*, been at the Point of attaining to the Universal Monarchy, which has so long been the Object of its Hopes. It is manifest that unless sufficient Security be had, whatsoever Treaty we may conclude with *France*, it will support the Duke of *Anjou*;

after having gain'd some Time to breathe. Was ever any Treaty more solemnly sworn than the *Pyrenean*? Every Man knows how many Considerable Places the *Spaniards* yeilded up to *France* by that Treaty, to engage it not to assist the King of *Portugal*. Yet no sooner was *France* put into Possession of those Places, but Count *Schomberg* was sent into *Portugal* with a Body of Men. Is it to be believ'd that *Lewis XIV.* would be more Conscientious, when the Case would be the supporting of his Grandson, and securing to him the *Spanish Monarchy*? It is therefore requisite to be secured against a State so well known, and not to conclude a Peace with *France*, which may afford him a Breathing time; so that when the Allies shall have continued the War at a mighty Charge against the Duke of *Anjou*, that Crown may strike in again, after some Respite, with a double Advantage, against Enemies almost exhausted. We must have such Security as may utterly debarr *France* the Liberty of breaking its Promises. In a Word, we must have such Cautionary Places as would do *France* more Harm to part with for supporting the Duke of *Anjou*, than the Benefit of maintaining that Prince on the Throne would countervail. I leave it to your Lordship to consider, whether Four indifferent Places *France* would afford us, of its own chusing, would be sufficient to produce that Effect. The only Security *France* can give us is its Inability; all others have hitherto been fruitless. Treaties, Renunciations, Oaths, have been but weak Barriers, and Engagements intended to be broke before they were made.

- This was the Meaning of Cardinal *Mazarine's* writing to the *French* Plenipotentiaries at *Munster* in the Year 1646. That if the King could have the Low Countries by Way of Dowry, Mar-

rying the Infanta of Spain, he would then have all the Solid Part; for, says he, we might aim at the Succession of Spain, notwithstanding any Renunciation the Infanta might be oblig'd to make; and that would not be a very remote Prospect, since there is only the Life of the Prince her Brother to debarr her. These are the Notable Principles in which Lewis XIV. then but Seven or Eight Years of Age, was educated. The rest of his Reign has shown whether he knew how to make his Advantage of them.

1648. *Suntgem, Alsace, Brisac, and Philipshurg*, acquired to France by the Treaty of Westphalia; *Tbionville, Montmedy, Damvilliers, Avesnes, Phillippeville, Landrecy, Graveling, Arras*, and almost all *Artois*, the Counties of *Roussillon* and *Catalans*, yeilded up to that Crown by the Pyrenean Treaty, were not sufficient to satisfy its Ambition.

1667. The Death of Philip IV. the Minority of Charles II. and the Weakness of his Government, distracted by the Factions of Don John of Austria, were the true Motives of the War in 1667. The Queen's Chimerical Right serv'd as a Pretence, and the Triple League of England, Sweden and Holland, which opposed that Tor-

1668. rent, could not obstruct, as has been already observ'd, France's remaining posses'd of *Lisle, Tournay, Dowaer, and Tenor* Twelve more of the Best Towns in *Flanders*, by the Treaty of *Aix la Chapelle*.

Then it was that the said Crown thinking to put *Holland* out of any Condition of opposing its Designs for the future, vow'd the Subversion of the Commonwealth.

wealth. To this Purpose it gain'd over
 the King of *England*, the Elector of *Co-* 1672.
logne, and the Bishop of *Munster*. It
 seiz'd *Lorrain* by Way of Pretention,
 and declar'd War against *Holland* on no
 other Pretence but Dissatisfaction, as
 may be seen in its Manifesto. Tho'
Holland escap'd in a Manner almost Mira-
 culous, however, *France* had the Good
 Fortune to come off with Advantage in
 that War, by Means of the Treaty of 8801
Nimeguen, by which, besides most of the 1678:
 Places yielded up in that of *Aix la Cha-*
pelle, *France* kept *Conde*, *Valenciennes*,
Cambray, *Tyres*, *St. Omer*, and all *Franche-* 1681:
Comte. The following Years we saw
Strasbourg taken by Treachery in the 1682.
 Height of Peace, *Casal* bought of the
 Duke of *Mantua*, the *Low Countries*
 ravag'd, an infinite Number of Feifs of
 the Empire along the *Rhine* and the 1683.
Moselle usurp'd, under the Specious Co-
 lour of Reunion, by Means of the
 Courts erected at *Mentz*, at *Besanzon*,
 and at *Brisac*; *Tekeli* encourag'd in his
 Rebellion, and supported with Money
 and Officers; and to conclude, the *Turks*
 brought before *Vienna*, by the Contrivance
 of *France*, which promis'd itself no less,
 after the taking of that Capital, than the
 Selling of its Succour at a Dear Rate, which
 would then have been the only Remedy.
 The Election of the *Dauphin* for King 1684:
 of the *Romans* was the main Point aim'd
 at; but that Project being disappointed by
 the raising of the Siege of *Vienna*, *France* 1684.
 endeavour'd to make Amends by the ta-
 king of *Luxemburg*.

All those Places and Countries usurp'd since the Treaty of *Nimeguen* were provisionally yeilded up to *France* by the Truce for Twenty Years. But that Crown would scarce vouchsafe to stand to it for Four or Five; for perceiving that the *Turks*, dismay'd by the taking of *Belgrade*, had Thoughts of concluding a Peace with the Emperor, and being willing to encourage them to continue the

1688. War, a shameful Diversion was given, in Favour of those Enemies of *Christendom*, by the Siege of *Philipsburg*; the taking whereof was follow'd by the Ravaging and Desolation of the adjacent Countries.

This New War having lasted Ten Years, at the End whereof the *French* thought they stood in need of a Peace to gain a Breathing-time, and prepare themselves against the great Event of the King of

1697. *Spain's* Death, which seem'd to draw near, they consented to the Treaty of *Ryswick*, having earnestly su'd for it, notwithstanding the Successfulness of their Arms; so eager were they to bend all their Thoughts to the managing of those Intrigues, which they promis'd themselves would produce no less than the placing of One of the *Dauphin's* Sons on the Throne of the *Spanish* Monarchy. For the better concealing of the Hopes they had conceiv'd, and the Methods they us'd towards attaining that End, they set on Foot the first Treaty of

1699. Partition, in Favour of the Electoral Prince of *Bavaria*, and after that Prince's

1700. Death agreed to a Second Treaty of the same Nature, in Favour of the Arch-Duke. Nothing can be more agreeable to the

the Pyrenean Treaty, and Mary Teresa's Act of Renunciation, than that Treaty was. The Two Kings, as is there express'd, and the Lords, the States-General, being desirous, above all Things, to preserve the Publick Peace, and to prevent a New War in Europe, by adjusting the Controversies and Differences that might happen to arise about the Succession to his Catholick Majesty, or through the Partition, occasion'd by the reuniting of too many Dominions under One Prince, have thought fit to take the necessary Precautions beforehand for preventing the Mischiefs which the unhappy Chance of his Catholick Majesty's dying without Issue might produce.

It is not now Mary Teresa, who, before the Birth of her Children, renounces the Succession of the Spanish Monarchy for them, as well as for her self, but it is the Dauphin himself, and his Three Sons, who declare themselves excluded. It is not now a distant and uncertain Event that is look'd upon, but the approaching Death of King Charles without Issue. Whether he makes a Will, or dies Intestate, it matters not, the Treaty of Partition is to stand for a Law, and none would have stood by it more vigorously than France, had King Charles made a Will in Favour of the Arch-Duke, calling him to the Succession of all the Monarchy, and particularly of Naples, Sicily, and the Milanese. Your Lordship may assure yourself, that if in this Case Great-Britain and Holland would have had the Will fulfill'd, France would have loudly exclaim'd against that Injustice; it would have complain'd of the Breach of the Treaty, and would have had Recourse to Arms to right itself. This the French themselves dare not deny; but because France has, by its Arts, extorted from a Dying

Dying Prince a Will which calls the Duke of *Anjou* to the Crown of *Spain*, therefore we see it without any Reason or Pretence breaking through a Treatise newly concluded, rather than ever depart from its own Interest. All the Jealousie of seeing too many Dominions reunited vanishes. All the Apprehension of involving *Europe* in a New War is dispell'd, and the better to Colour the most Odious Infraction that ever was, or rather to make a Jest of all that Grand Affair, and to insult *England* and *Holland* with a biting Sarcasm, they have Recourse to the unheard of Distinction of the *Spirit* and the *Letter*; and they maintain, that if they have infring'd the one, yet they have not departed from the other.

Would any Man have expected to find this Nice Distinction, only worthy of the *Jesuits* Schools, in the Memorial presented by the Minister of a Mighty King? The *Spirit* and the *Letter* agreed, says the Memorial, during the King of *Spain's* Life; but his Death and his Will have made so great an Alteration, that the Intention of the Treaty is annihilated if we stick to the *Letter*. Certainly the Ministers had the Management of that Important Negotiation must have been great Fools, if they had made a Treaty wherein the *Spirit* and the *Letter* were contradictory. We are told that it is the Death and Will of King *Charles* which have made them Contradictory. But how could his Death do it, since the Treaty was only concluded for the Time when the Succession of his Catholick Majesty should be made known, which of Necessary supposes his Death? And how could his Death do it, since if he had appointed the Arch-Duke his Heir, this *French* would never have found the least Opposition between the *Spirit* and the *Letter* of the Treaty of Partition?

A most benighted and unchristian and unpolitic
Dying

If, to the Consideration of the Insincerity of *France*, we add that of its excessive Power, we shall find it an Additional Motive for requiring of sufficient Security. That Crown brought *Europe* to the Brink of Destruction the last War, tho' *Spain* then sided with the Allies. And in this present War, when it was look'd upon as quite sunk under the Loss of Three Bloody Battles, it has been seen with Amazement opposing Forces Equal or Superior to ours on all Sides. Let a Judgment be thence made of its Means, and of what we might expect from it, should any Part of the *Spanish* Monarchy be left to the Duke of *Anjou*. *Naples* and *Sicily*, the only Shore that could be allow'd him, would secure to *France* all the Trade of the *Mediterranean*, and put it into a Condition to ruin ours, and that of the *Dutch* there; besides, those Noble Kingdoms would give the *French* such an Addition of Power, that, after a Respite of some Years, it would be easier for them than ever to renew the War with Advantage, and to invade *Spain* by Sea and Land, before it were possible to form a League that could relieve it. They would at the same Time be at Hand to raise Rebellions in *Hungary*, to infect Part of his Imperial Majesty's Hereditary Provinces, and to enter into new Alliances with the *Ottoman Port*, as could not but be of Fatal Consequence to the Emperor and the Empire.

It may be alledg'd, that the late King consented to such a Partition, but every Body knows it was the Effect of Absolute Necessity, and that Great Prince was brought to it through the Impossibility of doing better. He had omitted nothing that might prevail for the keeping up of such an Army as was requisite in that Conjunction, and the languishing Condition of the King of *Spain*. But finding, notwithstanding his earnest Remonstrances,

all

all his Forces reduc'd to Seven Thousand Men, considering the approaching Death of his Catholick Majesty, and with what Ease the French would Conduct One of their Princes to Madrid, before he could have Time to look about him, he prevail'd with himself, tho' with Reluctancy, to save the Ship, by throwing Part of the Goods Over-board. And if such bitter Complaints were made against the Treaty of Partition, without any Regard to the Fatal Necessity that Prince was reduc'd to, if it was condemn'd as pernicious to Europe, and Disadvantageous to his own Nation; what would not be said at this Time should that Treaty be reviv'd? And if, after the Battles of Hochstedt, Ramillies, Turin and Mons, those Conditions should be accepted of, which were look'd upon as Dishonourable after those of Fleurus, Staffarde, Marsaille, Steinkerke and Landen? If a Prince, who was reduc'd to Seven Thousand Men, was blam'd for rescuing the Spanish Monarchy out of the Hands of an Enemy who had a Powerful Army, by Sacrificing a Part of it, would it be tolerable to Sacrifice the same at this Time, when we have such Numerous and Flourishing Armies on Foot, and an Enemy before us so much discourag'd and daunted; that we may, without being guilty of Rashness, attack them with equal Numbers behind a Treble Intrenchment? Add to this the loward State of the Kingdom, the Total Consumption of the Revenues, the Impossibility of making Magazines on the Frontiers, the general Dissatisfaction of the People, the Desertion of the Troops; but, above all, the Hand of God, which so visibly lyes heavy on our Enemies, and invites us to make our Advantage of the Assistance it gives us, and you will certainly grant, that a Treaty of Partition, which was excusable when the late King consented to it, would be no Way justifiable at this Time.

I am, &c.

A

A LETTER from the French Plenipotentiaries to the Great Pensioner of Holland, and the Resolutions of their High-Mightinesses thereupon.

Geertruydenberg, July 20th, 1710.

S I R,

YOU know we have consented to every Thing that the Deputies propos'd to us, so that it cannot be said that we have vary'd in any Point whatsoever, much less that we have gone from our Words, which we had engag'd by Order of the King, our Master, in Hopes of concluding a Peace, which is so necessary for all *Europe*.

The Deputies have not been of the same Mind; you have not forgot what has pass'd between them and us since the beginning of the Negotiations; give us leave, Sir, to lay before you the new-invented, unjust and impracticable, Proposals those Gentlemen laid before us at our last Conference, as a final Answer to ours. They told us,

That it was the Resolution of their Masters and their Allies absolutely to reject any Offer of Money from the King, towards assisting them to maintain the War in *Spain*, of what Nature soever it might be, and whatsoever Security his Majesty might be willing to give for the Payment of it.

That the Commonwealth, and their Allies, design'd to oblige the King, our Master, to make War alone on the King his Grandson, to compel him

him to resign his Crown; and that the said Monarch must be dispossest of *Spain* and the *West-Indies*, without their joining their Forces to his Majesty's.

That the said Term expiring, and the Catholic King not being really put out of his Throne, the Truce agreed on between the Allies and the King, our Master, should expire, and they would again take up Arms against his Majesty, tho' he had perform'd all the other Conditions contain'd in the Preliminary Articles.

That before the signing of them, they would, in Consideration of the above Ingagement, positively explain themselves as to the Share they would consent to allow the King of *Spain*, and that they would further facilitate the Means of agreeing upon the farther Demands.

That they might, in fine, as a Favour, allow the Troops they have in *Portugal* and *Catalonia* to act jointly with those of *France*, during the Term of Two Months, towards the more easie Conquest of *Spain* and the *West Indies*, which his Majesty should be oblig'd to make in Favour of the Arch-Duke; but that as soon as the said Time should be expir'd, those Troops of the Allies should cease to act, and the Truce should expire.

We represented to the Deputies that these Proposals were contradictory, as well to those they had always made us, as to the Fourth and Fifth Articles of the Preliminaries, to which the Seventh and Thirtieth Article, that we were then about regulating, had relation.

As to the Point of securing *Spain* and the *West-Indies* to the Allies, they told us, that the granting of a Partition, as to which they would afterwards explain themselves, and which they have not yet declar'd, gave them a Right to demand
more

more at present than the Fourth and Fifth Articles press'd.

We answer'd them with a Reason that could admit of no Reply, asking them, Whether a Partition had not been debated in all our Conferences? And whether they had, on that Account, demanded any more of us than the Terms on which the Forces were to be united, and act in concert.

The Deputies did not deny it, for they could not; But they told us, that if they had then propos'd the Terms on which the Forces were to be united, and act in concert, they were off of it; that they had Orders to acquaint us with it, in the Name of the Allies, and to tell us, that in a Word they expected, whether the Partition were admitted of, or not, to receive at the King, our Master's Hands, the Monarchy of *Spain* and the *West-Indies*; leaving it to him alone to use the Means, either of Perswasion, or Compulsion, which he should think most effectual, for putting the Arch-Duke into actual Possession of his Dominions within the Term of Two Months.

So formal a Disclaimer of all past Proceedings, and of all the Demands made by the Allies, as also the Refusal of all that was practicable on our Part, is, Sir, a sufficient Demonstration of a Set Design to break off all Negotiations.

It was needless to allow us a Fortnights Time for receiving our Master's Answer to those new Demands, never before heard of, and which it is not in his Power to perform.

His Majesty has long since declar'd, that for the sake of sure and definitive Peace he would grant such Conditions as were in his Power to perform; but he will never promise that which he knows is impossible for him to perform. If through the Injustice and Obstinacy of his Enemies he is depriv'd of all Hopes of obtaining a Peace, then

placing his Confidence on the Providence of God, who can, when he thinks fit, humble those who are puffed up with an unexpected Prosperity, and who make no Account of the Public Calamities, and the Effusion of Christian Blood, he will leave it to the Judgment of all *Europe*, and even of the People of *England* and *Holland*, to find out the true Authors of the Continuance of such a Bloody War.

On the one side will appear what Advances the King, our Master, has made, the Consent he has given to the hardest Conditions, and the Engagements his Majesty was willing to enter into for the removing of all Distrust, and for advancing of the Peace.

On the other side may be observ'd a continual Affectation to explain themselves in an obscure manner, that there may still be Place for farther Pretensions beyond the Conditions already granted; so that we had no sooner consented to one Demand, which was to be the last, but that they flew off to substitute another more exorbitant.

There may also be observ'd a Method of varying only regulated, either by the Events of War, or by the King, our Master's, Advances to facilitate a Peace. It appears, even by the Letters the Deputies have writ to us, that they do not disclaim it.

Last Year the *Dutch*, and their Allies, look'd upon it as a Wrong done them, that it should be thought they could be guilty of, of asking the King to join his Forces with those of the Confederacy, to oblige the King, his Grandson, to resign the Crown. They brought as Evidence the Preliminaries themselves, which only mention taking Measures in concert. Since then they have made no Difficulty to demand it in lofty Terms.

Now

Now they would have his Majesty alone to take it upon him; and have the Boldness to say, that if formerly they were satisfy'd with less; a better Insight into their Interest makes be no longer so contented. Such a Declaration, Sir, is a formal breaking up of all Negotiations, and that is what the Heads of the Allies would be at.

Should we continue any longer at *Geertruydenberg*, nay, should we spend whole Years in *Holland*, our Residence there would be fruitless, since those who govern the Commonwealth are perswaded it is their Interest to make the Peace to depend on an impracticable Condition. We do not pretend to perswade them to continue a Negotiation which they are resolv'd to break off; and, to conclude, how earnest soever our Master was to procure the Quiet of his People, it will be less grievous to them to maintain the War, which they know his Majesty would have purchas'd an End of at so Dear a Rate, against the same Enemies it has been engag'd with for these Ten Years past, than to add to them the King, his Grandson, and unadvisedly to undertake to conquer *Spain* and the *West-Indies* in the space of Two Months; with the further Assurance, that after the Expiration of that Time, he shall find his Enemies strengthened by the Accession of the Towns yielded up, and consequently in a Condition to turn upon him the new Arms he should have put into their Hands.

This, Sir, is the positive Answer the King has order'd us to return to the Proposals made by the Deputies. We sent it at the End of Six Days, instead of Fifteen, which they had granted us as a Favour. This Expedition will at least convince you, that we do not endeavour to amuse you; and that, if we often demanded Conferences, it was not with an Intention to multiply them to no Purpose,

Purpose, but to the End that nothing might be omitted by us which could conduce towards a Peace.

We take no notice of the Usage we have met with in Contempt to our Character. We say nothing of the scandalous Libels, stuff'd with Falshoods and Calumnies, which have been suffer'd to be Printed and Dispers'd during our Stay, with a Design to incense the Minds of People, which we endeavour'd to reconcile. We do not complain, that contrary to the Public Faith, and without Regard to our Complaints so often repeated, all the Letters we have receiv'd or writ have been open'd; the Advantage we receive by it is, that the Treaty made use of to colour so many Indignities appears to be groundless. We cannot be charg'd with being guilty of the least Practice contrary to the Law of Nations; which was not observ'd towards us. And it is visible that the Reason of obstructing our being visit'd in our Sort of Prison, was chiefly out of the Apprehension, lest we should discover those Truths which were intended to be conceal'd.

Sir, we desire you to deliver to our Express the Answer he has Orders to wait for; or if you will not answer, to give him a Certificate that you have receiv'd this Letter. We are most sincerely,

SIR,

Your most Humble,

and most Obedient Servants.

It was sign'd,

Huxelles.

L'Abbe de Polignac.

An

An Extract of the Register of the Resolutions of their High-Mightinesses, the States-General of the United Provinces of the Low-Countries.

Wednesday, July 23. 1710. at half an Hour after Five in the Evening.

THE Sieurs *Randwick*, and other Deputies of their High-Mightinesses for Foreign Affairs, have reported to the Assembly, that the Sieur Councillor Pensioner *Heinsius* had imparted to them a Letter, writ to him by the Marechal d'*Uxelles*, and the *Abbe de Polignac*, dated at *Geertruydenberg* the 20th of this Month, in Answer to what had been propos'd to them by the Sieurs *Buys* and *Vander-Dussen* at the last Conference, and which had been the Subject of the Negotiations.

The said Deputies added, that they thought the Contents of the said Letter did concern not only the State, but all the Allies in General; and therefore they had thought themselves oblig'd to impart it to their Ministers residing in this Place, to the End they might act in concert with them in this Particular, as has been hitherto done in all Points. That the said Ministers, as well as themselves, had been of Opinion, that since the said Plenipotentiaries by their Answer reject the Proposals made to them, and declare, *That it is to no Purpose to have any farther Conferences upon the said Proposals*, there remains no more on the Part of the High Allies, but to consent to that Rupture, and not continue the Conferences any longer, whilst the Enemy shall continue in that

Mind;

Mind; since, according to the Disposition the said Enemy is in, the Conferences could be of no Effect, and instead of disposing Affairs towards Peace and Unity, which the State, and its Allies, have always aim'd at, they would only give Occasion to farther Resentments.

Their High-Mightinesses having taken this into Consideration, they have been of the same Opinion with the said Deputies and Ministers of the High Allies. And accordingly it has been thought fit and decreed, that the Sieurs Buys and Vander-Dussen should be requir'd and authoriz'd; as they are by this present Resolution, to make it known in Writing to the said Plenipotentiaries; but without entering upon any Debate as to the Letter written by the said Plenipotentiaries, tho' it were very easily to refute it, as well in relation to the Substance, as to the Expressions us'd in it.

That a Copy of the said Letter shall also be put into the Hands of the Sieurs Rantwick, and the other Deputies of their High-Mightinesses for Foreign Affairs, that they may concert with the Ministers of the High Allies, what Measures are to be taken, and what will be fit to be done in that Affair for the future, and afterwards to report it to the Assembly.

Counter sign'd,

E. V. Ittersum, sit.

And underneath,

It agrees with the Register,

Sign'd,

F. Fagel.

An

*An Extract of the Register of the Resolutions
of their High-Mightinesses, &c.*

Sunday, July 27th, 1710.

THE Sieurs *Rantwick*, and other Deputies of their High-Mightinesses for Foreign Affairs, in pursuance, and agreeable to the Commission'd Resolution of the 23d of this Month, having conferr'd with the Ministers of the High Allies on the Contents of the Letter from the *Mareschal d' Uxelles*, and the *Abbe de Polignac*, written at *Geertruydenbergh* the 20th Instant to the Sieur Councillor Pensioner *Heinsius*; which Letter was in Answer to the Proposals made to them by the Sieurs *Buys* and *Vander-Dussen* at their last Conference, and which had been the Subject of the Negotiations; and having examin'd and concerted together the Measures that are to be taken, and what is fit to be done hereafter, in relation to that Affair, have made their Report to the Assembly, and said,

That the said Ministers, and themselves the Deputies, had in general express'd a very sensible Concern, for that the Enemy breaking off the Negotiations, which had been again set on Foot for concluding a Firm and General Peace, the Hopes conceiv'd on those Negotiations were now vanish'd, and the Peace so ardently desir'd by the High Allies put off. But considering that there is no coming to a Peace till the Enemy shall be willing to concurr, and that the said Willingness is as remote from their Intention, as it appears to be sincere and effective in their Words, they are of Opinion that there is nothing left on the Part of the State, and the Allies, but to acquiesce to the Rupture, relying on the Assurance they have in themselves, that since their Intentions have always been upright, and the only End of them was to promote a Good and Lasting Peace, and to compass it if possible; no reasonable and impartial Person will impute to them the breaking off of the Negotiations, and the continuing of the War. For notwithstanding the

said Letter, which is full of subtle Insinuations, and odious Expressions, is only writ, and tends to no other End, but to lay the breaking off of the Negotiations, and the continuing of the War on the Allies, as if they demanded Things that were new, unreasonable, and impossible to be perform'd; however, that does not at all alter the Substance of the Thing in itself; and it is nevertheless evident, that this Rupture is rather to be attributed to the Enemy, since they depart from the Foundation on which the Negotiations were begun, and endeavour to render the main Article, viz. the Restitution of *Spain* and the *West-Indies*, uncertain in the Execution.

That for the demonstrating of this Truth it is to be consider'd, that tho' it be long since the Enemy propos'd to set up Conferences, and to treat of Peace, the Allies neither would, nor could, consent to it, unless certain Articles were in the first Place agreed on, which should be the Basis of the Negotiation to be enter'd upon, in order to come to a Firm and General Peace. The first and chiefest of those Articles was the Restitution of *Spain* and the *West-Indies* to King *Charles III.* And that Article was granted by *France*, even before the *Sieur Rouille* and the *Marquis de Torey* came into the Country, and consequently before the Preliminaries were agreed on, by which that Restitution is confirm'd more at large, and again promis'd and stipulated. Thus no Man can think it strange that the Allies should insist on such a Capital Point as this, for which the War was begun, and is continu'd to this Time; or that the Allies should pretend to have full Security in relation to a Matter of such high Concern.

That the High Allies believing they could only find that Security in the 37th Article of the Preliminaries, and the most *Christian* King not thinking fit to approve of the Preliminaries, only on Account of that 37th Article, that Article became the Subject of the Negotiations the Enemy has now broke of, which had been propos'd for the finding of some Equivalent Means to give the Allies the same Security as was intended them by the 37th Article of the Preliminaries.

That, at the first Conference held at *Gertruydenberg*, between the *Marschal de Velle*, and the *Abbe de Polignac*,

Polignac, on the one Part, and the *Sieurs Bayx* and *Vander-Dussen* on the other, the latter had declar'd, that the Proposals till then made to the Allies, concerning cautionary Towns in the *Low-Countries*, in Lieu of the Security they expected from the 37th Article of the Preliminaries, were not acceptable; because by that Means the Allies would be engag'd in a particular and uncertain War with *Spain*, whilst *France* at the same Time would enjoy Peace; and that it could not in Reason be expected of them that they should remain engag'd in a War subject to all Sorts of Hazards, and which might put them to the Risque of never recovering *Spain* and the *West-Indies*, and therefore the Peace must be General.

The *French* Plenipotentiaries seem'd to be so fully convinc'd of this Point, that at the said first Conference, and all the others which ensu'd, they propos'd, That since they plainly perceiv'd the Allies would admit of none but a general Peace, and such a one as might procure the Restitution of *Spain* and the *West-Indies*, which *King Philip* was still possess'd of, there were but Two Ways to prevail with him to resign, the one by Force, the other by Persuasion. The first, in their Opinion, would be ungrateful to *France*; and consequently, only the second would be practicable, and might succeed, if some Part of the Monarchy of *Spain* were put into their Hands, for them to dispose of in Favour of *King Philip*, and by that Means prevail with him to quit the rest. Then having ask'd whether the Allies, for the obtaining of a General Peace, would not consent to a Partition, they propos'd several Alternatives, any one of which being accepted, *King Charles* should be put in Possession of the *Spanish* Monarchy, excepting that Share which should be assign'd to *King Philip*; and after several Conferences held, the *French* Plenipotentiaries reduc'd the said Alternatives to the Kingdoms of *Sicily* and *Sardinia*. The High Allies could not comprehend any other by that Proposal, but that those Two Kingdoms being granted to his most Christian Majesty's Grandson, his said Majesty thereby engag'd himself to prevail with him to yield up the rest of the *Spanish* Monarchy, which he was still possess'd of, to the High Allies.

But the High Allies perceiv'd, by what was transacted at the last Conference but one, and by the Report the Deputies made, that tho' they should be prevail'd on to admit of the aforesaid Proposal of a Partition, it would still remain uncertain, whether by that Means they could attain to a General Peace, because the Plenipotentiaries did not fully explain themselves as to the Question, whether in such Case *Spain* and the *West-Indies* would be effectually put into the Hands of King *Charles*, as had been regulated by the Preliminaries. Nay, they seem'd to suppose the contrary, since one of them, tho' he then seem'd only to deliver his own private Sentiment, went so far, as to ask whether the Allies would not be satisfy'd if the King of *France* should allow them a certain Sum of Money towards the Conquering of *Spain* and the *West-Indies*?

The Allies being left under this Uncertainty, thought it was requisite for them to see farther into the Designs of *France*, in relation to an Affair so Essential, and of such Weight, before they explain'd themselves as to the Proposal of a Partition. To this Effect they charg'd the *Sieur Petkum*, who had been formerly, and was still, employ'd in the Negotiation, to discourse the Plenipotentiaries, and to let them understand, that the High Allies could not accept of the Proposal made of Supplies in Money, because that did infer they would make a separate Peace with *France*, still continuing the separate War with *Spain*, which the Allies could not hearken to, for the Reasons alledg'd at the first Conference. At the same Time it was demanded that the *French* should explain themselves, as to the evacuating of *Spain* and the *West-Indies*, in Favour of King *Charles*, pursuant to the Preliminaries, before any Explanation shall be made by the Allies, touching the Proposal of a Partition; declaring, that it was the Intention of the High Allies, that the Foundation laid at first, viz. the Restitution of *Spain* and the *West-Indies*, should stand good. That on this Foot the Negotiations might be continued; but if they receded from it, there could be no Success expected from the Conferences.

The Plenipotentiaries, who had not thought fit any Way to explain themselves as to what the *Sieur*

Petkum

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Petkum had propos'd to them, demanded a Conference a few Days after. The Deputies judging by the Letter they writ, that they could then explain themselves as to what the *Sieur Petkum* had propos'd, repair'd to *Geertruydenbergh*; where the Plenipotentiaries told them, that tho' they did not think themselves oblig'd to take Notice of the Messages brought them by the *Sieur Petkum*, they had nevertheless sent the Proposal made by him to the Court of *France*, but had not been able to receive any Instructions concerning it, because it appear'd *Obscure and Ambiguous*. Thus those Gentlemen were pleas'd to express themselves. Whereupon the said Deputies so full explain'd and justify'd the said Proposal, that no Doubt or Ambiguity concerning it could remain. They at the same Time signify'd, that the High Allies could not accept of the Offer made of a Supply in Money towards the recovering of *Spain* and the *West-Indies*. They laid down the Reasons for their Refusal; *viz.* that it plainly appear'd by the Discourse on that Subject at the precedent Conference, that they could never come to any Agreement, either as to the Sum, or as to the Security for the Payment, or in relation to the Security *France* should be oblig'd to give, nor to assist the Duke of *Anjou*, either directly, or indirectly. This plainly shows, that it is too largely, and with too little ground, asserted in the Letter from the Plenipotentiaries, *That the Allies refus'd Supplies of Money, of any Nature, and upon any Security whatsoever*; and that the Real and Essential Reason why that Proposal could not be accepted of, was, its inferring a separate War with *Spain*, and putting the Allies upon a Necessity of conquering that Kingdom, and the *West-Indies*, by Force of Arms; which is directly contrary to the Grounds before laid down, and to the Intention of the Allies. Besides, the more fully to explain the Proposal made by the *Sieur Petkum*, the Deputies supporting their Discourse with proper Reasons, added, That the said Plenipotentiaries having propos'd a Partition, and having finally reduc'd it to *Sicily* and *Sardinia*, the Allies had always, and still did understand, that in case they declar'd their Acceptance of that Proposal, the Preliminary Articles, with only that Exception, would subsist entire,

as well the 27th, as all the rest, which *France* had declar'd should stand, before these Negotiations were reassum'd; and that of Consequence *Spain* and the *West-Indies*, with their Dependances, were to be restor'd, pursuant to the Preliminaries; that is, within the Time therein prefix'd, or such other Term as could be agreed on; and that not being perform'd, then what is stipulated in the Preliminaries should take Place, viz. That the Cessation of Arms should be at an End. That this Article concerning the Restitution of *Spain* and the *West-Indies*, and their Dependances, being the Foundation and Capital Point of the Negotiations, the High Allies could not on any Account be left under Uncertainties, as to that Particular, or rest satisfy'd with Words and Promises, without being assur'd that they would be follow'd by Effects. Therefore they requir'd a plain and positive Declaration as to that Affair, before they explain'd themselves as to the Partition proposed; but that when they were once rightly inform'd and assur'd as to that, they would facilitate the Means for concluding of the rest, as should be most convenient. That among other Means which might contribute towards facilitating the Conclusion of that Affair, this might be made use of, viz. that in Case the King of *France* should not be able to prevail on his Grandson, by Way of Persuasion, to quit *Spain* and the *West-Indies*, pursuant to the Preliminaries, but that he should be obliged to use the Way of Compulsion, in the said Case the Allies would cause the Troops they have in *Spain* and *Portugal* to act for that End, during the Time limited for the Cessation of Arms, or during such other Term as should be agreed on; notwithstanding that they were not oblig'd to it by the Preliminaries, and that they might comply with their Engagements by continuing unactive. The Allies having thought it necessary thus to explain themselves clearly and precisely, and requiring the same Sort of Explanation on the Part of *France*, the Plenipotentiaries undertook to write to Court what had been propos'd to them, whereupon we have now in Answer receiv'd the Letter above-mention'd.

It is notorious and undeniable, that before any Negotiation was enter'd upon, whilst the Prelimina-

ries

ries were adjusting, and by the Preliminaries themselves, before the reassuming of these last Negotiations, and during the Time they lasted, the Restitution of *Spain* and the *West-Indies* has been always laid down as a solid and unalterable Basis. There remains no other Controversy as to this Point, but that the Allies require that full Security be given them, on which they may rely, that the said Foundation once laid shall not be overthrown, and that what has been from the Beginning promis'd them without any Difficulty, shall have its Effect. They require to have at least as good a Security as that they conceive is in the 37th Article of the Preliminaries; that Essential Point being of such Moment, that it would be against Prudence and sound Reason to suffer it to remain liable to the least Doubt or Uncertainty.

It is no less clear and evident, that the High Allies have a Right to claim the Restitution of *Spain* and the *West-Indies*, with their Dependances, for the House of *Austria*; and to lay this Claim not only against the Duke of *Anjou*, as the Possessor, but chiefly against the King of *France*, as the Person, who contrary to the most ample Renunciations, and the most solemn Treaties, has seiz'd upon those Dominions, in such Manner as is well known to all Men, and who is therefore under an Obligation to restore them; so as his Majesty cannot excuse himself on Account of the pretended Impossibility that is alledg'd. For besides that, the said Impossibility, which can in no manner be allow'd of, tho' it were suppos'd to be real, would still be of the most Christian King's own making, having put his Grandson into a Condition to maintain himself against his Will, in the Possession himself has settled him in, which no way lessens the Obligation incumbent on his said Majesty; no Man will be easily perswaded, that the Most Christian King's Grandson, who has no other Refuge or Support out of *Spain*, besides his Grandfather, could be durst refuse to quit *Spain* and the *West-Indies*; should his Majesty seriously and sincerely make his Will known to him as to that Affair, and make him sensible of the Effects, in Case of Need, especially when the Allies were to join with him during the Time of the Truce. This seems to be so evident, that it is not otherwise conceiv-

conceivable, that the King of *France* should, without any Difficulty, promise the Restitution of *Spain* and the *West-Indies*, and lay that Restitution, even before entering upon Treaty, as the Basis on which all the rest was to be grounded; and that no other can be imagin'd, but that his Majesty well knew it was his Grandson's Design to yield up *Spain* and the *West-Indies*; or that he had the Means to oblige him to resign in Case of Need: Else it would follow of Necessity, that the King of *France* had from the beginning flattered the Allies with empty Hopes, and promis'd them an Essential Point, which he had neither the Will nor the Power to perform. This cannot be supposed without seeming to doubt of his Sincerity; and it is the less to be imagined, for as much as at one of the Conferences held here last Year with the *French* Ministers, One of them said, *That perhaps King Philip might be at Versailles before him.* An Evident Demonstration that they did not then question a Thing at the Court of *France*, which they now represent as an Impossibility; and that they were fully persuaded, that whatsoever happen'd, it wholly depended on the King of *France's* Will and Power to see it readily performed.

Hence it follows beyond all Controversie, that the Deputies demanded nothing in the Name of the High Allies, at the last Conference, but the same that from the Beginning, and all along in the Prosecution, had been laid down as the Foundation, but what may be justly demanded, and what *France* has in its Power to perform. Consequently, all that is alledged in the said Letter, and therein so often repeated, *viz.* that the Proposals made by the Deputies at the last Conference, are newly invented, unheard-of, unjust, and impracticable in the Execution; all that falls to the Ground of itself; since the Restitution of *Spain* and the *West-Indies*, with their Dependances, except the Portion to be agreed on, has been justly demanded from the Beginning. *France* could not propose it but as a Thing practicable in the Execution, and it has been look'd upon as such by the Allies, and is so still.

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Next, It is very easie to overthrow what is said in several Parts of the said Letter, That the *Deputies* several Times alter'd and contradicted one Proposal by another. That they made Proposals contrary to the Fourth and Fifth Articles of the Preliminaries: retract-ed at one Time what they had propos'd at another, with other Things of the same Nature, which are there hinted at after an Odious Manner. For it plainly appears by all that has been said above, that the *Deputies* were always of this Mind, and could not be of any other, viz. that the Proposal of a Partition made by *France* was offer'd with Intention, and to the End, that in Case it were agreed upon, all the Difficulties hitherto started about the Execution of the Preliminary Articles should be remov'd; and that at the same Time the Necessity should be prevented of taking those Measures express'd in the Fourth Article. Which Measures, even tho' that Article could be separated from the 37th, as it cannot, could only take place, in Case that, contrary to all likelihood, the Duke of *Anjou* should refuse to quit *Spain* and the *West-Indies*; and that *France*, after Two Months spent in vain endeavouring to oblige him to it, should stand in need of the Assistance of the Allies to compel him to resign, not only *Spain* and the *West-Indies*, but the whole Monarchy, without any dismembring.

It is true, that at the last Conference but one the *French* Plenipotentiaries gave Occasion to examine, whether there could not be Means found for assigning the Allies greater Security for the Restitution of *Spain* and the *West-Indies*; but that did not at all prevail upon the *Deputies* to make them depart from their First Sentiment, which was, that the Proposal of a Partition had been made in order to facilitate the Restitution of *Spain* and the *West-Indies*; and for the better Execution of the Preliminaries in all their Parts, by Means of that Partition. The Discourse that happened on that Subject having given Occasion to believe, that the Intentions of the *French* might not perhaps be what they had been supposed, gave at the same Time Occasion to demand an Explanation; yet it cannot therefore be said that the *Deputies*

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ries *did vary, contradict themselves, and retract*, as has been laid to their Charge, since they always held to the Essential and Capital Point, *viz. the Security the High Allies are to have in regard to the Restitution of Spain and the West-Indies.*

It is no less groundless, that in the said Letter the Allies are charged with *varying only according to the Events of War, or the Approaches the King of France made towards a Peace.* It is not granted, or own'd by the Allies, *That they, the last Year, look'd upon it as an Affront to be thought capable of demanding that the King of France should join his Forces to theirs.* No such Thing was ever said, either this Year or the last, in any Conference, and what might happen to have been said upon other Occasions cannot be insisted upon. Doubtless, had they been apt to *vary according to Events*, what has happened since the Preliminaries were settled, the taking of the Town and Citadel of *Tournay*, the Victory of *Malplaquet*, the Reduction of *Mons*, the passing of the Lines near the *Scarpe*, and the taking of *Donay*, would have been sufficient Grounds for so doing.

As to that which the Plenipotentiaries very much enlarge upon, in several Parts of their Letter, touching the *Hardship of the Conditions*, for as much as they would oblige the King of France to make War alone on his Grandson, and that in Case *Spain and the West Indies* were not yeilded up within Two Months the Truce should cease; it is to be observ'd, that what is said in one Clause, *That the King of France should be oblig'd alone to make War on his Grandson*, is contradicted in a following Clause a little lower, where it is said, *That the Troops the Allies have in Catalonia, and in Portugal, were to Act in Concert with those of France during those Two Months.* For notwithstanding they have added, that this was granted *as a Favour*, so they express themselves to give an Odious Turn to an Advance the Allies were willing to make, and that after the Expiration of that Term those Troops should cease to Act; however, it is apparent that would have been a Supply considerable enough for the said Two Months, or for such a longer Term as could have been agreed on; and it is not to be admired that the said Troops were

were not to serve after the Expiration of the Term appointed, for then the Truce would be expired.

Besides, when they complain of the *Hardship* it would be to oblige the King of *France* alone to bring about the Restitution of *Spain*, it looks as if they did not reflect what a *Hardship* it was that his Majesty alone possess'd himself of the *Spanish* Monarchy, and brought the rest of *Europe* into Danger of being invaded in the same Manner. If all Things be rightly considered, it will appear that in Reality there is no other *Hardship* in this Case than what is to be found in all Treaties which oblige to any Restitution, and particularly those that are about the Restitution of any Thing that is unjustly possessed. However, it may easily be judg'd by the Posture of Affairs in *Spain*, that his most *Christian* Majesty would easily, either by Persuasion or Force, oblige his Grandson to restore *Spain* and the *West-Indies*, if he were seriously and sincerely of that Mind, and if his Grandson and the *Spanish* Nation were convinc'd of the Reality and Sincerity of his Intention.

Nor does it appear that there is herein any other *Hardship* than what attends all Treaties and Stipulations, for as much as it is contracted, that in Case the Restitution of *Spain* be not executed within the limited Time the Truce shall cease. For as the Allies would have Reason to look upon it as a Breach of the Treaty if it were refused to deliver up to them any one of the Towns, the yeilding up whereof had been stipulated by the Preliminaries, and would be at Liberty to Right themselves by Force of Arms; it is still more just and reasonable, that if a Point of such Moment as that of the Restitution of *Spain* and the *West-Indies* should fail of being performed within the Time limited, they should then be at Liberty to take up Arms for obtaining of the most Essential Article they had agreed on, and it would be no *Hardship* for them to make use of all their Power for the compassing of it.

Besides, the High Allies have the more Reason to insist, that *France* should be obliged to procure the Restitution of *Spain* and the *West-Indies* within a limited Time, for as much as it has plainly appeared

by the Discourse of One of its Plenipotentiaries; that if their Forces should come to be joined to that Intent, so many Obstacles to the Executions would or might be formed, that it would never be brought to pass. He having insinuated that it ought first to be debated and regulated with what Number of Land Forces they were to act, either jointly or separately; how much each Side was to contribute towards it; how many Sail of Ships would be requisite, and where to be employed; who should have the Command of the Forces by Sea and by Land, and who should give the Commission; what Instructions should be given the Generals, and by whom they should be drawn up, with many more such Difficulties; whence it is so easie to judge they might be so multiplied that the said Junction would never come to Effect.

It is also advanced in the said Letter, *That the Plenipotentiaries have consented in the Behalf of France to all that has been proposed to them, that they have never varied, and never retracted.* But it is hard to guess wherein this extraordinary Condescension they would honour themselves with consists. They have never yet so much as consented to declare War on Spain, in Case of a Refusal from the Duke of Anjou, and yet that has been proposed to them. Being come hither to treat about an Equivalent for the 37th Article, after promising first, that all the other Preliminary Articles should stand good, and be allow'd of, they have themselves propos'd a Partition to serve as an Equivalent, and have reduced that Partition to Sicily and Sardinia; and when it is now put to them positively to declare, whether in that Case the Preliminary Articles shall be sign'd and executed in full, to the End that the Allies may explain themselves as to their Proposal, they take that Question for a Design laid for breaking off the Conferences. This is very far from that Condescension they boast of, and that Consent which they pretend was General, without varying or retracting. Certainly the Whole World must be amaz'd to perceive, that after France has several Times declar'd it would admit of the Preliminaries, excepting the 37th Article, and offer'd in Lieu of it, for Security of the Execution of the said

said Preliminaries, to deliver up Three Cautionary Towns in the *Low-Countries*, which could not be accepted of, because that would not exempt the Allies from the separate War with *Spain*, whilst *France* would enjoy Peace; after having in the next Place, for the removing of that Difficulty, propos'd a Partition, restrain'd by *France* itself to *Sicily* and *Sardinia*, as the proper Means to persuade the Duke of *Anjou* to restore *Spain* and the *West-Indies*; that, after all this, *France* being required to explain itself as to the Execution of the Preliminaries, to the End the Allies might explain themselves as to its Proposal made of a Partition, that Nation should take that Demand for a Set Design to break off the Negotiations, as has been declared; and that it should pretend, that the Allies instead of the entire Preliminary Articles, excepting the 37th, and instead of the Cautionary Towns offer'd in the *Low-Countries*, ought to be now satisfied with those same Preliminary Articles, without the 37th, without the Cautionary Towns, and besides that they yeild up *Sicily* and *Sardinia*, and be left still under the same Uncertainty they were in before as to the Restitution of *Spain* and the *West-Indies*, and that this should be represented as if on their Side they had consented to every Thing, without varying or retracting. Nor is it less surprizing that the High Allies should be charg'd with Injustice and Obstinacy, because they will not accept of so specious a Proposal; and that thereupon the Divine Assistance should be presum'd to be call'd on, and the Publick Calamities and Effusion of Christian Blood laid at the Doors of the High Allies, notwithstanding they are chiefly occasion'd by the Invasion of the *Spanish* Monarchy, and the Duke of *Anjou*'s refusing to restore what he is still possess'd of; whereas those Calamities, and that Effusion of Blood, might be made to cease immediately, by restoring what has been invaded contrary to the Faith of the most Solemn Treaties.

It plainly appears, by all the Proceedings of the *French*, upon this Occasion, that the Proposal made by them of a Partition, and that of regulating the farther Demands reserv'd by the Preliminaries, have been no other than Methods contriv'd to cause Jealousies

ious and Divisions among the Allies, if possible; the easier that Way to attain their Ends, which hitherto are visibly the retaining of *Spain* and the *West-Indies*, notwithstanding the Restitution to be made is the First Ground of the Negotiations. And as those Proposals doubtless only tended to the sowing of Discord among the High Allies, so there is in the aforesaid Letter many Strokes, which might well be expected from their Enemies, but not from Persons sent to restore Peace and a good Understanding; and which seem to be in some Measure invented, to possess the Subjects of *England* and this State with an ill Opinion of the Government, and to persuade them, that those who are at the Helm, and the Heads of the Allies, are the Occasion of protracting this Bloody and Expensive War. But the Cause is too well known, and has been too clearly made out above, for them to hope that their Affected and Odious Insinuations should be embraced and approved of by Nations that enjoy their Liberty, and are sensible they bear the Burthen of this War only for the Defence of that Liberty. The Judgment of those Nations has not been depraved by a Heavy Slavery and Tedious Oppression, as is that of some others, to whom, were it not for that Reason, the Allies might more justly appeal, as to those who are sensible how Dear the Ambition of Rule over their Neighbours has cost them.

To conclude, the short Time the said Plenipotentiaries took to return their Answer, which was done after *Six Days*, is so far from being, as they pretend, an Instance of their Sincerity, *which does not design to amuse*, that it may rather serve to prove the Resolution of breaking off the Conferences had been long before taken and laid down. Neither can the Plenipotentiaries with more Reason insinuate, as they do in several Places, that *they were limited a Term of Fifteen Days*. The Deputies did indeed desire them to procure a Speedy and Positive Answer, but they set them no certain Time; on the contrary, being ask'd whether they would limit any? They answered civilly that they would not; and that since the Conferences had already held so long, a few Days more or less would make no Difference.

As to the Complaints the Plenipotentiaries make of Matters regarding themselves in particular, *viz* That their Character was Despis'd, Scandalous Libels Printed and Published against them, their Letters Opened, they hindred from receiving of Visits, and kept in a Sort of Prison. It is to be considered, that the said Gentlemen coming hither to treat, as had been agreed, without any Character or Formality, and as it were *Incognito*, all Sorts of Ceremonies were avoided on both Sides; in other Respects all possible Regard was had to their Quality, Birth and Worth; and therefore we cannot understand on what they ground the Complaints they make as to that Particular. Neither do we know what they mean by those *Scandalous Libels* they complain of, and we have never heard of them. There are very severe Ordinances prohibiting any Libels in the Country. It is true, that does not prevent the spreading abroad of some, as well as in other Parts; but the Government condemns them, and when the Authors and Printers are discovered, they suffer the Punishment according to Law. It has not been heard, or is there any Account, that any of those many Expresses the Plenipotentiaries have sent and received, and by which they certainly had their most Important Dispatches transmitted backwards and forwards, was ever stop'd, or that any of the Letters they sent by the Common Post was intercepted. No Person was ever hindred from going to visit the said Plenipotentiaries, nor was any Particular Order given for examining of those that came to see them; but it being the Custom in Frontier Garrisons that no Persons be admitted without making themselves known to the Guards at the Gates, and the Governour, that Custom was not discontinued during their Stay at *Geertruydenbergh*; and we cannot conceive that they ought to complain of, and take it in ill Part. And in Case any one has been thereby deterr'd from going to see them, for fear of being known, it cannot therefore be said that People have been hindred from visiting them. We ought not certainly to be blam'd for having taken the proper Measures for preventing their making a Discovery of those Things we thought fit should be concealed.

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In short, the Name of a *Sort of Prison* cannot be given to a Town where the Plenipotentiaries themselves chose to make their Residence, and which they prefer'd before *Antwerp*, that is a Fine and Large City.

The said Deputies of their High-Mightinesses add, that the Ministers of the High Allies, and they themselves, had thought it requisite, that all the Reasons abovementioned, the Letter from the Plenipotentiaries, and the Resolutions of their High-Mightinesses of the 23d Instant, should be communicated to their Masters. And they mutually required and exhorted one another, since the Enemy had thus broke off the Negotiations that were on Foot for the compassing of a Firm and General Peace, and no other Course was left but to carry on the War with Vigour, to use all their Interest with their Masters, that nothing might be omitted which might contribute towards it, but that on the contrary all possible Efforts be made.

Upon taking this into Consideration it has been thought fit and decreed, that the Lords States of the Provinces be acquainted with all this Affair, and that a Copy of the said Letter and of the Resolution taken on the 23d Instant be sent to them. That it be also represented to them, that since it appears by the Event that the Enemy had no real Design to treat of Peace, restoring of *Spain* and the *West-Indies*, but have broke off the Conferences, without leaving any Place to consider on the Continuation, or breaking up of them, nothing now remains but to push on the War with Vigour. That consequently their High-Mightinesses do not question but that the said Lord States will constantly, cordially and unanimously, use all possible and imaginable Means towards advancing the Common Cause, hoping and expecting that Almighty God will continue his Blessing to it, and that through his Goodness and Assistance the Enemy will be obliged to be of a better Mind.

That furthermore, the said *Sieurs Rantwick*, and the other Deputies of their High-Mightinesses for Foreign Affairs, shall be required and empowered, as they are by these Presents, to enter again upon fresh Conferences with the Ministers of the High Allies, and

and jointly to concert by what Ways and Means the War may be carried on on all Sides with greater Vigour, and to report it to the Assembly.

Counterfign'd, E. V. I T T E R S U M,

And below,

It agrees with the aforesaid Register,

Sign'd,

P. Faget.

A Copy of the Paper sent to Monsieur Pettecum by the Marquiss de Torcy, November 27. 1709.

MONSEUR Pettecum, when he returns to the Hague, will be pleas'd to acquaint the Pensioner, that it would be impossible for his Majesty to Execute the 37th Article of the Preliminaries, tho' His Majesty could prevail on himself to Sign it.

That without discussing the Remarks which may be made as to the Terms, and the Form of the other Articles, it is visible they were not propos'd by the Allies Six Months since, upon any other Prospect but to prevent the Effects of the Campaign, then ready to begin. That the Events of War being capable of altering the near Dispositions to the Conclusion of a Peace, it was then a Prudent Part to prevent them.

That the said Reason is now ceas'd, in regard that the Winter naturally produces a Cessation of Arms, without any Agreement in Writing.

That therefore the Three Winter Months might be spent in treating definitively of Peace, without farther Mention of the Preliminaries.

That the Form of those Articles being suppress'd, the King would allow of the Substance. That there should be a Treaty on Behalf of his Majesty, and of the Allies, on the Basis of those Conditions to which he had been willing to consent, for giving Satisfaction

faction to the Emperor, the Empire, England, Holland, and their Allies; notwithstanding he has declared that the Conditions should be null if they were not accepted during the Holding of the Conferences at the Hague.

That he is ready to reassume the Negotiations upon the same Foot, to appoint Plenipotentiaries to that Purpose, and to send them to such Place as shall be agreed on, to begin the Conferences with those of the Allies on the First of January next.

If a Negotiation be consented to, the *Sieur Pette-*
cum may return immediately to settle the Passes and other Formalities for the Place of Congress, and the Manner of Meeting there.

A Scheme for a P E A C E, sent from the Court of France into Holland, in February, 1710.

NOwithstanding the King's Engagements for a Peace did all cease, upon his Majesties Enemies refusing to conclude it on the Conditions he was willing to offer them, yet so sincerely does he desire to contribute towards the Speedy Restoring of Europe to Tranquillity, that he is still willing to treat on the same Conditions he had offered to grant, if the Princes and States actually in War with him will also treat upon that Foundation, appoint a Place for the Conferences, and form an Assembly of Ministers, Empowered to Treat and to Sign the Peace. The Conditions shall be,

I. In Relation to *Spain*; a Solemn Promise from the King, immediately after Signing of the Peace, to acknowledge the Arch-duke *Charles* of *Austria* as King of *Spain*, and of all the Dominions depending on that Monarchy in general, both in the Old and New World; excepting only the Dominions and Countries agreed to be dismembered with the King of *Portugal* and the Duke of *Savoy*, by Virtue of the Treaties concluded between the Emperor and his Allies; and excepting also such Places as the Arch-duke

duke has engaged to resign to the States-General of the United Provinces of the *Netherlands*.

A like Promise to withdraw all Succours His Majesty may have given the King, his Grandson, and farther not to lend him any Assistance hereafter, of any Sort whatsoever, either directly or indirectly, towards maintaining him on the Throne.

And by Way of Security for the Performance of this Promise, His Majesty is willing to entrust the States-General with Four of his Towns in *Flanders*, which he will make Choice of to be put into their Hands, and to be kept by them till the Affairs of *Spain* be concluded, as Hostages and Security for the Word he shall engage to them, not to concern himself either directly or indirectly with the Affairs of that Monarchy.

He shall also promise to forbid his Subjects, under severe Penalties, engaging themselves in the Catholic King's Army; obliging himself to take such special Care for the Observance of the said Prohibition that none shall transgress it.

His Majesty will also consent, that neither the Monarchy of *Spain*, nor any Part of it, shall ever be united to that of *France*; or that any Prince of the House of *France* shall ever reign, or acquire any Thing in the Whole Extent of the *Spanish* Monarchy, by any of those Ways, which shall be all specified.

The *Spanish West-Indies* shall be comprised in all that shall be said of the *Spanish* Monarchy, as being a Principal Part thereof; and the King will not permit any Ships of his Subjects to resort to the said *West-Indies*, either to Trade, or under any other Colour whatsoever.

II. As to the Emperor and the Empire, the King will restore the City and Citadel of *Strasburgh* in the same Condition they are now in.

The Fort of *Kehl* shall also be restor'd, with the Artillery mentioned in the 8th Article of the Preliminaries; the City of *Strasburgh* being to be for the future restored to its Prerogatives and Privileges of an Imperial City, and to enjoy them as it did before it was under the Dominion of his Majesty.

He will also consent to restore to the Emperor the City of *Brisac*, with its Territory, and the Artillery mentioned in the 9th Article of the Preliminaries, contenting himself with the Possession of *Alsace*, pursuant to the Literal Sense of the Treaty of *Westphalia*, and the 10th and 11th Articles of the Preliminaries.

To leave to the Emperor the Town of *Landau*, with Liberty to demolish the Fortifications.

In short, to raze those he has erected on the *Rhine*, from *Bale* to *Philipsburg*, which shall be all specified.

He will consent that the Town of *Rhinfeld* be restored to the *Landgrave* of *Hesse*.

That the 4th Article of the Treaty of *Ryswick* be discuss'd in the Conferences.

He will acknowledge the Elector of *Brandenburg* as King of *Prussia*, promising not to disturb him in the Possession of *Neuschatel* and *Valengin*; and he will always acknowledge the Ninth Electorate erected in Favour of the Duke of *Hannover*.

III. In Relation to *England*; the King will acknowledge the Princess *Anne* as Queen of *Great-Britain*, and the Succession of that Crown as it is settled in the Protestant Line, pursuant to the Acts of Parliament.

His Majesty will yeild up the Island of *Newfoundland* to that Crown, and will agree to a mutual Restitution of all that has been seiz'd in the *West-Indies*, as well by *France* as by *England* during this present War.

His Majesty will cause all the Fortifications of *Dunkirk* to be raz'd, and the Port to be choak'd up, promising they shall never be repair'd.

He will also consent to the Design of the King of *England* to depart *France* as soon as the Peace shall be concluded, provided he have full Liberty to withdraw, and go wheresoever he shall think fit, and that he there enjoy a perfect Neutrality.

IV. Touching the States-General of the *United Provinces*, the King, to make them a Barrier, will yeild up to them all the Places express'd in the 22d Article of the Preliminaries, viz. *Furnes*, the Fort of *Knok*, *Menin*, *Ipres*, *Lisle*, *Tournay*, *Conde*, and *Maubeuge*, with

with their Dependances, and on the Conditions specify'd in the same Article.

As to those Towns in the *Low-Countries*, which still belong to the King of *Spain*, the King, by withdrawing his Troops, will so order, as that they shall be immediately put into the Possession of the Arch-duke after the signing of the Peace. His Majesty will confirm what he has promis'd the States-General in Relation to Commerce, and the 25th Article of the Preliminaries shall be punctually observ'd.

V. As to the Duke of *Savoy*, the King is willing to grant the Demands made by that Prince's Allies in his Behalf, by the 27th and 28th Articles of the Preliminaries: But his Majesty also demands that the Electors of *Bavaria* and *Cologne* be restor'd to their Dominions and Dignities, and their Ministers admitted to the Conferences for Peace, there to support the Interest of their Masters.

To conclude, the Business in Hand being a Treaty of Peace, and not a Truce, the Time to be assign'd for Performance of the Articles shall be according to the usual Custom of Treaties, after the Exchange of the Ratifications.

On these Grounds the King proposes again to send Plenipotentiaries to treat of Peace, and to take the Advantage of the Winter Season to that Purpose, before the opening of the ensuing Campaign draws near.

If the Offers which his Majesty is willing to make are not accepted, he declares he is free from any Engagement, and that there will be no Reason to charge him with the protracting of a War, to the farther Effusion of Christian Blood.

A LETTER writ by the Elector of *Bavaria's* Minister to his Electoral Highness from Versailles, October 18th, 1710.

THE King has this Day receiv'd certain Advice that the Parliament of *England* has been Dissolv'd, and that the Changes intended in that Ministry will take

take Effect. His Majesty immediately gave me Notice of it, that I might impart the same to your Electoral Highness.

There is no doubt but that the Proclamation for Calling a New Parliament, and the general Change of Ministers, must alarm the *Dutch*, and make them think of a Peace; but this Court will not hearken to it.

It is not question'd but that the Duke of *Marlborough* will quit the Command of the Army; and the rather, because the prevailing Party will keep him in Want of all Things to oblige him so to do.

We are perswaded that the *German* Princes will recal their Troops as soon as *England* shall forbear paying the usual Subsidies; and this is what they apprehend in *Holland*.

The King will apply himself to settle Funds, and use all possible Methods to that End for enabling him to carry on the War; the Court being of Opinion that this is a favourable Conjunction, and is to be made use of; it being impossible for the Allies to continue United after what has happen'd in *England*. Whom can they put at the Head of the Army if the Duke of *Marlborough* quits that Command? Your Electoral Highness knows what *England* affords; I do not know one who is fit to supply that Place; for besides that, it requires an Able Officer; he must be a Statesman, who is in Credit and Reputation with the Confederate Potentates, which will not be found in any other besides the Duke of *Marlborough*. The Duke of *Hannover*, if he accepts of the Command, will not agree with Prince *Eugene*; so that we shall soon see a New Face of Affairs. Your Electoral Highness will be pleas'd to give me Orders as to the Manner you think fit I should discourse the King concerning that Affair, and as to what you think of the Person of the Duke of *Hannover*.

The Duke of *Berwick*, who had the first Intelligence that this Change would be made, has writ to Monsieur de *Torcy*, desiring him to acquaint the King that it would be the properest Time to attempt a Descent, not in *Scotland*, but in *England*; and that he would willingly put himself at the Head of 20000 Men, to carry the King of *England* over with Certainty of Success.

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This is what I can have the Honour of acquainting your Electoral Highness with by this Post; I heartily wish these Changes may bring us to those Ends we hope for, and that it may please God to prosper your Electoral Highness's Righteous Cause, that you may soon see the Pride of your Enemies humbled. I believe the Court of *Vienna* will be sufficiently perplex'd by the present Posture of Affairs in *England*. Thus we may see many Measures broken, &c.

An EXTRACT of the Resolutions of their High-Mightinesses the States-General of the United Provinces of the Netherlands.

Friday, November 19th, 1706.

THE Sieurs *Tulken*, and other Deputies of their High-Mightinesses for Foreign Affairs, have reported to the Assembly, that the Sieurs *Van Collen* and *Cuper*, Two of the Deputies of their High-Mightinesses in the Army, had sent inclos'd in a Letter directed to Secretary *Fagel*, dated the 23d of *October* last, one from the Elector of *Bavaria*, dated the 20th of the said Month, writ to the Deputies of their High-Mightinesses in the Army, and deliver'd to the Sieurs *Collen* and *Cuper*, who were then alone in the Army, in which Letter the Elector of *Bavaria*, in the Name of the Most Christian King, proposes the holding of a Conference between the Two Armies, or between *Brussels* and *Mons*, to treat of a Peace with the States and its Allies. That they, the Deputies for Foreign Affairs, having this Letter imparted to them, had judg'd it Advantageous to the State, and to the Common Cause, to keep that Letter secret till the Arrival of the Prince and Duke of *Marlborough*, who was expected here in a few Days, in regard that the said Prince and Duke had also receiv'd a Letter from the Duke of *Bavaria* of the same Purport. That upon the said Prince and Duke's Arrival at this Place, they, the Deputies, had conferr'd and concerted with him, and then conceiv'd in writing a Form of Answer,

Answer, which might be given to the Elector of *Bavaria's* Letter by the *Sieurs Collen and Cuper*, who had receiv'd it; which Scheme being approv'd of by their High-Mightinesses, the said Prince and Duke would answer to the same Effect, in the Name of Her Majesty of *Great-Britain*, pursuant to the Duke of *Bavaria's* Letter, and the said Form of a Letter be inserted at the End of these Presents, Numb. I, and II. This having been taken into Consideration, their High-Mightinesses return'd Thanks to the said Deputies for their Prudent Conduct in this Affair; and it has farther been thought convenient by these Presents to approve of the said Form of an Answer, and to require and authorize the said *Sieurs Collen and Cuper* to sign and dispatch it, as it is conceiv'd, and then it shall be sent to the Velt-Marshall, the *Sieur Overkirkue*, for him to send it by a Trumpet to the said Elector of *Bavaria*.

Moreover, that the said Letter and the Answer shall be communicated to the Ministers of the High Allies, Members of the Grand Alliance, and it shall be represented to them, that their High-Mightinesses being positively resolv'd to observe their Alliances in every Part thereof, and to do nothing that may derogate from it, in Pursuance thereof they would not omit to acquaint them with the Proposals made to them; and with their Resolutions thereupon, that a Peace could not chuse but be very acceptable to them, and doubtless to all the other High Allies, if it is to be had on such Terms as they may reasonably promise themselves that it will be Firm and Lasting; but that the Conference propos'd, without a more particular Declaration on the Part of *France*, and without a probable Security and Appearance of Success, has not appear'd to their High-Mightinesses to be the Means of attaining of it; but rather a Contrivance by that Means to divert their Thoughts from the War, and the mighty Preparations the Enemy are making, and to amuse the Allies with the Hopes of a Peace. That their High-Mightinesses, as far as regards themselves, are resolv'd to stand by the Measures they have taken, and the Alliance they have made, which God has hitherto so wonderfully prosper'd, and sincerely to execute and observe what has been

been stipulated and promis'd by the Treaties, and consequently not to enter upon any Negotiation for Peace; unless in Conjunction with their High Allies, and without Faithfully communicating to them, pursuant to the said Treaties, any Overtures that may be made to them to that Effect, expecting that the High Allies will do the same on their Part: And the Sieurs *Tallemant*, and other Deputies of their High Mightinesses for Foreign Affairs, are by those Presents requir'd and empower'd to confer with the aforesaid Ministers on that Affair, and to make their Report of the whole to the Assembly.

Numb. I.

The Duke of Bavaria's Letter to the Deputies of their High-Mightinesses.

Gentlemen,

I Do not question but that you are acquainted with the Disposition the most Christian King has for a Year past made appear, as Occasion offer'd, to put an End to the War, which has for several Years afflicted the greatest Part of *Europe*; the most Christian King has done it with a sincere Design to promote the Conclusion of a Firm and Lasting Peace; however, for as much as those Persons who have acted to that Effect did it privately, as not being authoriz'd to do otherwise, those who are not inclinable to Peace have misinterpreted those first Steps, and endeavour'd to make them be look'd upon as a Contrivance to separate the States-General from their Allies, so to make his Advantage of their Division. The most Christian King is too much a Stranger to any such Design, to suffer the Sincerity of his Intentions to be any longer call'd in Question; he has therefore resolv'd to propose the immediate commencing of Conferences, at which those who shall be empower'd by him,

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may,

may, together with those who shall in like Manner be Commission'd by the Queen of England and the States-General, find out the Means to conclude a Lasting Peace. He has caus'd the same to be signify'd to the Duke of *Marlborough* by a Trusty Person, whom I have acquainted with his Intentions, that he may inform him; and it is a Satisfaction to me to execute the Commission he has given me, to tell you, that being satisfy'd of your good Inclinations to contribute towards so great a Blessing, he shall be very well pleased if the States-General will empower you to assist at the Conferences propos'd, which he is willing shall be held in such Place as shall be thought proper between the Two Armies, during their Stay in the Field, and afterwards between *Brussels* and *Mons*. I desire you to acquaint the States-General with this his most Christian Majesty's Disposition; which I hope will be agreeable to theirs, for the Good and Tranquility of *Christendom*. I expect their Answer from your Hands, and am, Gentlemen, wholly yours.

Sign'd,

Mons, October

21, 1706.

M. Emanuel, Elector.

Numb. II.

The ANSWER of the Deputies to their High-Mightinesses to the Elector of Bavaria's Letter.

SIR,

YOUR Electoral Highness having done us the Honour in your Letter of the 21st of *October* last, to inform us with his most Christian Majesty's Intentions to advance the Conclusion of a Firm and Lasting Peace, by proposing that Deputies be sent on both Sides to some Place between the Two Armies,

mies, or after their Separation between *Maastricht* and *Brussels*, to enter upon Conferences about so Important an Affair, we did not fail immediately to acquaint the States-General. Your Highness having made the same Overture to the Prince and Duke of *Mecklenburgh*, their High-Mightinesses did not think fit that we should answer till the said Prince and Duke had receiv'd his Answers out of *England*, which is the Reason why we did it no sooner. Their High-Mightinesses have now directed us to tell your Electoral Highness, that they have receiv'd great Satisfaction in the Assurances you give them of his most Christian Majesty's sincere Inclinations to use all possible Means for the compassing, as soon as possible, a Firm and Lasting Peace with all the Allies; such a Peace they desire and wish for; all who are acquainted with the Inclinations and Interest of their Commonwealth will believe it; nor would the State ever have engag'd in a War could the Peace have been preserv'd with Safety. Your Electoral Highness knows with how much Industry and Sincerity their High-Mightinesses endeavour'd it; but their Efforts to that End having prov'd Unsuccessful, and having been necessitated to have Recourse to Arms, together with their High Allies, in Defence of their Liberty and the Publick Safety, they will be glad to lay them down as soon as possible, provided they may do it to the Satisfaction of all their Allies, and on such Conditions as may reasonably put them in Hopes that they shall not in a short Time be oblig'd to take them up again; which some Examples, and the short Duration of the former Treaties of Peace, make them apprehend. Nevertheless, their High-Mightinesses are ready, in Conjunction with their Allies, to enter upon all just and Necessary Ways that may lead to a General Peace; but that of the Conferences propos'd, without a farther Intimation of his most Christian Majesty's Intentions, does not to them seem a proper Method for attaining the End propos'd; nor has it appear'd such to Her Majesty of *Great-Britain*, no sufficient Overture having been hitherto made them for them to communicate to their Allies, as well knowing they would find no Satisfaction in this. It will therefore be requisite to think of more suitable Means

for attaining of that Great End, which their High-
 Mightinesses will concur to when it shall be made
 Clearer, the Sincerity of their Intentions for a Peace
 being sufficiently known. We have the Honour to
 acquaint your Electoral Highness with their Opinion,
 and that of assuring you that we are with the greatest
 Respect,

S I R,

Your Electoral Highness's

Most Humble and most

Obedient Servants,

Sign'd,

Hague, November

19, 1706.

Ferninand van Collen,

Cuper.

*The Elector of Bavaria's Letter to the Prince
 and Duke of Marlborough.*

My Lord,

H I S most Christian Majesty perceiving that some
 Overtures he has made for a Peace by Private
 Ways, instead of producing the Right Effect, which
 was to make known his Disposition to procure
 a General Peace, have been look'd upon by ill-
 meaning Persons as an Artifice to disunite the
 Allies, and make his Advantage of the misunder-
 standing that might thereupon ensue among them,
 has resolv'd to make known the Sincerity of his In-
 tentions, by laying aside all Secret Negotiations, in
 order to propose Publick Conferences, wherein the
 Means of restoring the Quiet of Europe may be found.
 The most Christian King has been pleas'd to em-
 ploy me to acquaint you with it, and to desire you
 will give an Account of it to the Queen of Eng-
 land.

I give the same Advice in the Name of his most
 Christian Majesty to the States-General, in a Letter I
 writ to their Deputies in the Army, and he would

do the same with the other Potentates, who are at War with him, had they Ministers so near at hand as you are to receive the like Intimation, having no Design to exclude any of the said Potentates from the Negotiation, to be commenc'd at the Conferences he proposes.

Moreover, for the promoting of so great a Blessing, and which all Europe stands so much in Need of, as having long laboured under the unavoidable Calamities of a War, he is willing that a Place be immediately pitch'd upon between the Two Armies, and after they are separated, between *Munich* and *Brussels*, where this so Important Affair may begin to be handled by you, my Lord, to whom the Interest of *England* is so securely entrusted, by the Deputies the States General shall think fit to nominate, and by those Persons the most Christian King shall empower.

I am extremely pleased, my Lord, that I have such a Proposal to make to you, being persuaded it will make no farther Ground for questioning the Intentions of the most Christian King, which may be so wholesome for all Europe.

You will be pleas'd to transmit it, without any Loss of Time, to the Queen of *England*, and who else you shall think fit. I shall expect your Answer, my Lord, that I may inform His most Christian Majesty, and am always ready to do you Service.

Munich, October

21, 1706.

Sign'd,

M. Emmanuel, Elector.

The Duke of Marlborough's Answer to the Elector of Bavaria.

SIR,

HAVING acquainted the Queen my Mistress with what your Electoral Highness did me the Honour to write to me in your Letter of the 21st of the last Month, concerning the most Christian King's Intentions to find out the Means of restoring the Tranquillity

Tranquillity of Europe, by Conferences to be held to that Effect between Deputies on both Sides, Her Majesty has ordered me to answer your Electoral Highness, that She is very well pleased to be Inform'd of the King's Inclination to concur towards the compassing of a Firm and Lasting Peace with all the Allies, as the only End which has obliged Her Majesty to carry on this War till now; and it will be very acceptable to Her to put an End to it in Concert with her Allies, on such Conditions as may secure them against all Apprehensions of being obliged to Arm again after a little Intermision, as happened lately. It is also Her Majesty's Pleasure that I declare, that She is ready to embrace the Just and Necessary Measures for obtaining of such a Peace, in Conjunction with all Her High Allies, Her Majesty being resolv'd not to enter upon any Negotiation without the Knowledge of Her said Allies; but the Method propos'd of Conferences without some more particular Explanation on the Part of his most Christian Majesty, does not seem to Her the proper Way to attain that really Firm and Lasting Peace. The States General are of the same Opinion. So that your Electoral Highness may easily judge it will be requisite to think of some more Solid Means for attaining of that great End, which Her Majesty will readily forward with all the Sincerity that can be wish'd; having nothing so much at Heart as the Ease of Her Subjects, and the Tranquillity of Europe. Your Electoral Highness will be pleas'd to do me the Justice to be persuad'd of the Respect with which I have the Honour of being, &c.

Hague, November

26, 1706.

The Duke of Marlborough's Answer
Electoral Highness

HAVING acquainted the Queen my Mistress with what the Electoral Highness did me the Honour to write to me in your letter of the 21st of the last Month concerning the most Christian King's Intentions to find out the Means of restoring the Tranquillity



The History, &c.

AS a special Instance of the great Regard that ought to be had to the particular Interest of any Country or State (not forgetting those with whom they are engag'd in Alliances) previous to Negotiations of Peace, I shall insert the following *Piece*, from an Author of sufficient Credit, no less pertinent than curious upon so solemn Occasion, which compar'd with the Arguments for or against entering into the present Treaty, may serve as a very proper Introduction to this History.

The *English* having been engaged for several Years in a War against *Spain* in the Reign of Q. *Elizabeth*, to the great Consumption both of Blood and Treasure, as well as great Detriment to their Trade into *Spain*, which was always very beneficial, 'tho to the great Glory of the *English* Arms both by Sea and Land; and the Queen finding that *France* by the Peace of *Vervin* began mightily to flourish under *Henry IV.* she began also to think seriously of Peace, for which end she sent Sir *Francis Vere* in 1598 into *Holland*, to know whether it would be for the Benefit and Advantage of the Queen and Government to make a Peace with the *Spaniard*?

They who were for the Peace took upon them to produce their Reasons, and urged the following Arguments.

1. That Peace, besides that it was both sweet and beneficial, would wipe off that Aspersions which lay upon the *English* as being the Disturbers of the whole World, as if they were happy in other Mens Dangers. 2. The Queen would be more secure from treacherous and desperate Attempts. 3. There would be an end of the Expences of the War against the *Spaniard* and the Archduke. 4. The *I-*

rish Rebellion would be suppress'd, when the Rebels should have no longer hopes of Succour from *Spain*. 5. Commerce and Trade would be more free and open; to the great Benefit and Advantage of the Queen and her Subjects; *Spain*, which in Old Times had been so beneficial to the *English* Merchants, would be again opened to them, where they might exchange Wheat for Gold and Silver; and the Emperor's Mandate against the *English* Merchants in *Germany* would be recalled. 6. All Dangers of Tumults at home, occasioned by frequent Taxes, and Levies of Men, would be avoided, and the League of *Burgundy* would be renewed, and so there would be no need to fear the *French* King: *England* also would take Breath, and lay up Wealth for future Occasions. 7. Again, it would tend to the Queen's Honour, who in the Year 1585, seeing when the States of the *Low-Countries* offered her the Sovereignty of those Provinces, she publicly protested and declared in Print, That in delivering the *Netherlanders* she aimed at nothing else but Liberty and Peace for them, and security to *England*. If then it seem'd a Resolution full of Wisdom and Discretion, as the Times went, to relieve the *Netherlanders*, and full of Justice to refuse the Dominion of those great Provinces, when offered her to bear the Charges of the War, it would certainly seem now a Point of extream Folly to prosecute the War, when the *Spaniards* offered a Peace, and nothing was offered by those who so much desired the Continuance of the War.

Others also urged over and above these Things.

1. Whether *England* was able to carry on the War against the *Spaniard* in *Ireland*, the *Low-Countries*, and elsewhere? And whether there was any Hopes by continuing the War, to bring him to more reasonable Terms of Peace, than what now might be had? 2. They were also to consider well, seeing doubtless it was most expedient for the *English* to carry on an offensive War, for (Woe to them who were forc'd to defend themselves at home) on what Parts this War was to be made: If on the Sea-coasts of *Spain* and *Portugal*, the Maritime Towns might indeed be ransacked and taken in both Places, but never kept without a vast Charge, without any Profit at all: If in the Isles of *Azores*, these also, 'twas true, might possibly be subdued, and that to the great detriment of the *Spaniard*, but could not be kept without greater Expences: If in *America*, they had now Ships of Force everywhere ready in those Parts, and the

the Sea-coasts were provided with more and strong Garrisons than heretofore; and not a Grain of Gold, Silver or Pearl, was to be hoped for without great hazard: If in the Neighbouring *Low-Countries*, that would be a very difficult Task, so thick was that Country of strong Towns, every one of which would sustain a Siege; neither could the *States*, in Conjunction with the *English* Forces, make any other than a defensive War of it, 'till such time as the *Spaniards* were diverted by the *French* War. 3. The Axiom in Politicks was not to be neglected, That they who were able to maintain a War, might find and obtain a Peace; but they who were not able, never should: And they alledg'd the lamentable Examples of the *Athenians* and others for it, who refused Peace when it was offered them. 4. Lastly, Some insinuated, that the *States*, whatever Pretences they made of defending Religion and maintaining their Liberty, did indeed take away all Religion and Piety, by tolerating every Opinion and Persuasion, except that of the *Romanists*; and for Liberty, they sought nothing else but their own Profit and Advantage, by imposing great Excise upon Victuals, debasing and corrupting of Coin, raising the Value thereof at their Pleasure, and the like cunning Practices; and hereby they did by a strange Peice of Management maintain the War, and by the War grow Rich, whereas all other Nations were impoverished thereby: Farther, They hindred all others of Trade and Commerce, by setting up of Monopolies everywhere; and as all others did that favoured a Democratical Government, they prosecuted Monarchies with a tacit and sacred Hatred, and had rejected all their Nobility, save one or two that were of use to them in the Wars; and it was evident, they propounded nothing else to themselves (which was a very dangerous Example against Princes) but to do as the *Helvetians* had formerly done before them, against the same House of *Austria*, wherewith they had now to do, and that not with their own Blood, but with that of the *English*, *French* and *Scots*, who for a little Glory were so prodigal of their Lives in the Cause and Quarrel of other Men.

But to these Arguments for the Peacc, others who were stiff against it, replied, and said,

1. That by the Peace the *Spaniard* would heap up such a Mass of Treasure, that if he brake out into a War again, he would be far too strong for all his Neighbours. 2. That a sound and firm Peace could not, without the Pope's Dis-

penfation, be expected at his Hands, who had deluded the *English* at *Borbourg* in the Year 1588, and was of a Belief, That no Faith was to be kept with Hereticks and excommunicated Persons: And that he could never digest the Losses he had received, but would be inflamed with a Desire of Revenge. 3. If a Pence were made, the Queen must forsake the States of *Holland* and *Zealand*, and withal, lose her Money expended upon the War, or else give up the Cautionary Towns into the Enemies Hands, which would redound to her Dishonour, as the other would to her Loss and Dammmages. 4. The *States*, if once forsaken by her, would be reduced under the Obedience of the *Spaniard*, whereby he would become far more powerful in Shipping and Forces to infest *England*, and those Countries would be a very convenient Seat for carrying on a War against the Neighbouring Kingdoms, in order to his erecting and establishing the *Spanish* Universal Monarchy. 5. Supposing that an offensive War in the *Low-Countries* was a difficult and hard Task, in the *Azores* doubtful and uncertain, in the Maritime Parts of *Spain* and *Portugal* fruitless and unprofitable, and in every one of them chargeable and expensive; yet in *America* it would be highly advantageous and profitable, which vast Country was so thinly Peopled by the *Spaniards*, and those Inhabitants so far separated, that they could not easily relieve one another: If therefore an Army of Ten Thousand *English*, under an Industrious Vigilant Commander, were landed there, with a resolved Purpose to plant and inhabit, it was not to be doubted but *Carthage* in *Castile d'or*, the River *Ciagro*, which was able to bear Boats almost as high as *Panama*, and *Porto Bello*, would be all taken, and consequently, the Treasure which was sent through those Places into *Spain* out of *Peru* and *Castile d'or*, would be either intercepted, or kept in *America*, whereby the Trade of the *Spaniard* might be stopp'd and hindred, and the King's Custom diminished, to his great Loss and Detriment: Neither would there be any fear of the *Americans*, a Cowardly People, and through the Pleasantness of the Climate rendred altogether Effeminate; or of the *Spaniards* who should be sent thither, who being fatigued with the length of the Voyage, and made feeble with Sea Sickness, would find it a very difficult Matter to drive Old Soldiers out of their strong Holds. Neither need d they to fear the want of Victuals and Ammunition, wherewith they might be as easily supplied from *England*,

as the Enemy were from *Spain*; for as soon as some should give out, that they had settled themselves there, many People from all Nations would flock to them with all Sorts of Necessaries, forasmuch as the *Europeans* desired nothing more than a Free Trade and Traffick into *America*. 6. As for what was objected against the *Hollanders*, concerning Religion and Monopolies, they were meer Calumnies and Forgeries of the Reformed Religion; for the *States*, together with their ancient Liberty, did from their Hearts embrace the Reformed true Religion, and maintained the same with the other Reformed Churches of *Christendomy* in Fundamental Points, which concerned the Salvation of Souls: In other Points not necessary to Salvation, they granted a Toleration, with respect to the Times, in the same manner as the Primitive Church did; for as much as Cockle would everywhere grow up with the Corn: And as for other Things, the Faults of particular Men were not to be charged upon all in general, the publick Cause being to be distinguished from private Mens Miscarriages: Among the Angels of God, and the Apostles themselves, there was some Corruption to be found: We were not to envy nor defame a well-establish'd Common-wealth, nor that excellent Industry and good Husbandry of a Free Nation, if they only of all People knew how to thrive and grow Rich by War.

The others, who were eager for Peace, rejoined and said,
 1. That the Queen and her Confederates might in like manner gather up Treasure in Time of Peace, and provide themselves no less for Defence, than the *Spaniard* could for Offence: That a solid and firm Peace might be very well expected from the *Spaniard*, who having hitherto sustain'd very great Dammmages and Disappointments, might learn at length how much he had been mistaken in his Government of the *Low-Countries*, by a martial and forcible Hand, and might seriously now rectify his Error by agreeing to a Peace: And that Peace had several times been made heretofore with the Dukes of *Burgundy* and Kings of *Castile*, the *Spaniard's* Predecessors, and had always held firm, and been extreemly advantageous and profitable to the *English*.
 2. Suppose the King of *Spain* for his Advantage had treated of a Peace at *Borbourg*, not with that Fairness and Candidness he ought to have done, we in like manner might now, without any Injury to ourselves, treat with our Swords in our Hands. 3. That Peace had been kept by
 Popish

Popish Princes, with Excommunicate Persons and Hereticks, without any Regard to the Pope, might be proved by many Examples, both of *Charles V.* and his Successors in the Empire, who still kept their Faith and Promise with the Excommunicate Protestants of *Germany*, whom they accounted Hereticks; of *Francis I.* King of *France*, who at *Paris* solemnized the Funeral Obsequies of *Henry VIII.* tho' excommunicated by the Pope: And of *Henry* the then King of *France*, who after he was reconciled to the Pope, and acknowledged for the eldest and dearest Son of the Church, entred into an offensive and defensive League with the Queen of *England*: The ardent Desire of Revenge grows cold, when Strength to act once faileth. 4. The Queen might justly forsake the *States*, since she only obliged herself to assist them, till such time as they could get reasonable Conditions from the *Spaniard*, for securing their Liberty; which Conditions, if they now refused, she was not bound to assist them any longer. 5. That the Cautionary Towns should be surrendred up to them, was neither just, nor could they with Reason require it: That the Recovery of the Money disbursed upon the War would be easy if a Peace were once concluded. 6. That the *States* could not in a short time be reduced by Force of Arms under the Obedience of *Spain*, and in Process of Time many Things might happen which were not now thought of; but if they were reduced by a Pacification, they could not sufficiently secure themselves, unless they also secured their Profit and Interest. But whatever became of them, *France* and *England* being now linked together in a firm League, would easily ballance the *Spaniard*, and prevent his Extravagancies; the common Interest would be the strongest Bond of the League. 7. Lastly, They drew their Arguments for Peace both from the Law of Nations, which requires, That the safety of the People be the supream Care; and from sound Reasons of Christianity, That the Effusion of Blood might be prevented, and *Christendom* fortified against Infidels: But they said the Arguments for War, however Men flattered themselves with Mountains of Gold from *America*, which the unhappy Success of *Drake* might sufficiently refute, were only drawn from Humane Wisdom, that Dangers might be thereby diverted, which it were better to leave to the Disposal of Divine Providence, by directing their Counsels with a good Conscience to a Publick Good, than those Things,

Things which are never to be commended farther than they are necessary.

Notwithstanding these last as well as former Arguments for a Peace with *Spain*, they would not do, but the opposite Party carried it for continuing the War against *Spain*, and assisting the States of *Holland* in their just Defence against the Incroachments of the *Spaniards*.

A new Contract was soon after made with the *States*, which did abate and take off a great deal of the Charge of the War on the *English* Part; for the *Dutch* agreed to pay the Queen 800000 Pounds Sterling, viz. 30000 Pounds yearly as long as the War continued against the Common Enemy, until 400000 Pounds were paid; and if a Peace were made betwixt the *Spaniards* and the Queen, there would be paid of the remaining Sum yearly 20000 Pounds, till the 800000 Pounds were paid: That the *English* in Garrison in the Cautionary Towns of *Flushing*, *Briel*, and the adjoining Forts, should be paid by the *States*; and if any of the *English* Isles were invaded by the *Spaniards*, the *States* were to assist the Queen with a certain number of Shipping with the *English*, as the *English* Forces sent over into *Flanders* were to be joined with an Equal number of *Dutch* Troops, &c.

Thus far by way of Introduction, where I must leave the Reader at pleasure to form what Observations he pleases, when he has made a Comparative Judgment on the various Reasons, which he must needs have seen Printed on both Sides, for and against a Treaty.

If I contrive right I may agreeably enough affirm, That the first Notion of this new Treaty at *Utrecht* sprung from the Dissolution of the old One at *Geertruydenberg*; nor does the improbable Distance of the Time divide me from the Opinion of what I say: So much did the cautious and inflexible Temper of the *Dutch* Ministers at that Time aggravate and inflame, not only the Plenipotentionaries, but even the Court of *France*, that it will not be hard for the most impartial Understanding to agree with me in this Point: We may remember the loud Complaints of those Ministers on their Return to *Paris*, at the pretended ill Treatment they met with; That they were mew'd up in a sort of Prison, had their Letters stopp'd, their Visitants examin'd; with other accumulated Grievances. And this to a haughty Temper was receiv'd with a treble Portion of Acrimony. The *Dutch* were not to be forgiven, on whom the

the Blame of all this lay ; and from these Seeds of Animosity grew up so violent a Resentment, that *France* wou'd rather want Peace, than be at the Pain of ever applying again to the *States* on that Subject. An Advantage was likewise to be made of this pretended Disgust, which serv'd as a plausible Preamble of seeking their Ends elsewhere. Some of our Writers likewise espous'd the *French* in this Matter, so as to make it one of the Articles of Complaint against the *Dutch*, That they treated the Ministers of that Nation with too much Ostentation, and shew'd an Air of Haughtiness not becoming them. Let these Writers answer for themselves, it is certain, That however the *Dutch* treated the Ministers of *France*, (tho' I think they sufficiently clear'd their Conduct in that Point,) there was no Complaint from any of the Allies ; and I believe it will not be objected, but that they constantly receiv'd their Instructions from the *Hague*, to which none of the Ministers of the Grand Alliance were Strangers: They next therefore singled out some of the lesser Princes to tamper with, but found none of them yet Ripe for their Purpose ; till a favourable Chance gave them an Opportunity of applying themselves to *England*: Nor was it easy to find Access there ; however, they were not without Hopes of making use of their Resentment against the *Dutch*, at a Time too when many Complaints were publicly rais'd against them ; and to which, in the End, they ow'd their good Fortune in finding Credit enough to be heard.

The first Springs of these Negotiations are still so great a Secret, that they are not like to be reveal'd in any little time, nor perhaps is it requisite they should. But 'tis with Reason enough suppos'd, That the first Overtures of it were made to the late Earl of *Jersey*, by his old Acquaintance the Marquis *De Torcy* ; who having desir'd that a trusty Person whom he might Discourse freely shou'd be sent over, Mr. *Prior* was soon pitch'd upon, as a proper Person for such an Affair, both in Regard of his Personal Qualifications, as also his former Employment at the Peace of *Ryswick*, and his Acquaintance with the aforesaid Minister.

After his Return, which was at the beginning of *August*, it was for some time a great Secret, Whether this Important Affair had been broke off in *France*, or wou'd be continu'd in *England*: But it was not long before the latter was fully believ'd, by the arrival of Two *French* Gentle-

men,

men, one of which was M. Mesnager, Deputy of the Council of Commerce, and since Count of *St. John*, and one of the Plenipotentiaries of *France*; and the other said to be the *Abbé du Bosc*, in *England*; where they Landed about the Middle of *September*, 1711, and having continued about a Fortnight *Incognito*, both at *London* and *Windsor*, had several Conferences with our Ministers, and on the 27th of the said Month sign'd what were then call'd Preliminaries. On the 4th of *October* following they took their Leave in order to return home, highly satisfied with their Reception in *England*; having first obtain'd the signal Favour, that the *Marshall De Tallard* might on his Parole return for Four Months to *France*; who 'tis thought had a very diligent Hand in bringing about this Negotiations.

A few Days after their Departure the said Preliminary Articles were communicated to the Ministers of the Allies residing here, of one of which not thinking himself oblig'd to keep them a Secret, suffer'd a Copy of them to be taken, which were inserted in the News-Paper call'd the *Daily-Courant* as follows,

Preliminary Articles on the Part of France for effecting a General Peace.

THE King being willing to contribute all that is in his Power to the Re-establishment of the general Peace, his Majesty declares,

I. ' That he will acknowledge the Queen of *Great-Britain* in that Quality, as also the Succession of that Crown according to the present Settlement.

II. ' That he will freely and *bona fide* consent to the Taking all just and reasonable Measures for hindring that the Crowns of *France* and *Spain* may never be united on the Head of the same Prince; his Majesty being persuaded, That this Excess of Power would be contrary to the Good and Quiet of *Europe*.

III. ' The King's Intention is, That all the Parties engaged in the present-War, without excepting any of them, may find their reasonable Satisfaction in the Treaty of Peace which shall be made: That Commerce may be re-establish'd and maintain'd for the future, to the Advantage of *Great-Britain*, of *Holland*, and of the other Nations who have been accusom'd to exercise Commerce.

IV. ' As the King will likewise maintain exactly the Observation of the Peace when it shall be concluded, and the Object the King proposes to himself being to secure the Frontiers of his Kingdom, without disturbing, in any Manner whatever, the Neighbouring States, he promises to agree by the Treaty which shall be made, That the *Dutch* shall be put into Possession of the fortify'd Places which shall be mention'd in the *Netherlands*, to serve hereafter for a Barrier, which may secure the Quiet of the Republick of *Holland* against any Enterprize from the Part of *France*.

V. ' The King consents likewise, That a secure and convenient Barrier should be form'd for the Empire, and for the House of *Austria*.

VI. ' Notwithstanding *Dunkirk* cost the King very great Sums, as well to acquire it, as to fortify it; and that 'tis farther necessary to be a very considerable Expence for raising the Works, his Majesty is willing, however, to engage to cause them to be demolish'd immediately after the Conclusion of the Peace, on condition that for the Fortifications of that Place a proper Equivalent, that may content him, be given him; and as *England* cannot furnish that Equivalent, the Discussion of it shall be referred to the Conferences to be held for the Negotiation of Peace.

VII. ' When the Conferences for the Negotiation of the Peace shall be formed, all the Pretensions of the Princes and States engaged in the present War shall be therein discussed *bona fide* and amicably: And nothing shall be omitted to regulate and terminate them to the Satisfaction of all the Parties.

' By Virtue of a full Power from the King. We, the Unwritten Knight of his Order of *St. Michael*, Deputy of the Council of Commerce, have concluded, in the Name of his Majesty, the present Preliminaries. In Witness whereof we have signed. Done at *London*, the 27th of September, O. S. and the 8th of October, N. S. 1711.

(L. S.)

Mesnager.

These Preliminaries where however no otherwise own'd or publish'd, than by this indirect Way, and therefore, all Parties were the more surpriz'd at their Publication; some suspected their being Genuine, whilst others
concl 1-

concluded from the Silence of the Government in this Point, That tho' they came in thus at a kind of Back-door, yet they carried with them a certain Air of good Authority.

They were suppos'd to owe their Birth to Count *Sallar*, the *Austrian* Minister, who by an indefatigable Diligence and Penetration had trac'd all the Secret Steps of this Negotiation from first to last; and had either expostulated too warmly with some of our Ministers about it, or by his Letters awaken'd his Master's Jealousy, that he began to be disagreeable to our Court, and was soon after recall'd.

What might incline the Court of *Great-Britain* the rather to think it high Time to listen to Proposals, was the Discovery about that Time of a Clandestine Negotiation between *France*, *Spain*, and *Portugal*, for bringing the latter to a separate Peace: However, this must be allow'd, That after all the Rumours it rais'd, the *English* made no farther Advances in the Negotiation till they had receiv'd the Opinion of the *Dutch* on the Subject of the Preliminaries, which were communicated to them by the Earl of *Strafford*, Her Britannick Majesty's Ambassador Extraordinary at the *Hague*.

It did indeed a little startle the *States* at first, and many at Home were yet more uneasy than the *States*; so that it was with Difficulty enough the Ministry prevail'd to set a Negotiation on Foot. However, they appear'd fix'd in the Resolution to pursue the Scheme they had laid, and therefore us'd their utmost Endeavours to engage the *Dutch* to espouse the Preliminaries; and the Earl of *Strafford* was directed to make pressing Application to the *States* on this Subject. The contrary Winds having kept all manner of Intelligence from thence, it was thought fit further to prorogue the Parliament (which was to have met on the 13th of *November*) for a few Days; and when the next Letters arriv'd, which happen'd in this interval of Time, it appear'd, That the Earl of *Strafford* had not been able yet to carry his Point; which was, to persuade them to agree to the settling a Congress, and granting Passports for the *French* Plenipotentiaries, who were ready at *Paris* to set out on the first Notice.

On the contrary, Count *Goes*, the Imperial Minister, had presented a Memorial to the *States*, to induce their High Mightinesses to deter explaining themselves, at least till they were acquainted with the Sentiments of His Imperial

Majesty. This was back'd by a Letter soon under the Emperor's own Hand to the *States*, desiring their High Mightinesses to concur with him, in endeavouring to the Queen of *Great Britain* to reject the Proposition made by *France*, and not to sacrifice the Immortal Glory she had acquir'd to the Artifices of *France*: Declaring, that whatever Consequences shou'd accrue from such a Proceeding, he utterly rejected these Preliminaries, and fully resolv'd not to empower any of his Ministers to assist at the Conferences that shou'd be held upon them.

However, the *Dutch* at the earnest Solicitations of *Great-Britain* consented to a Congress; and that Her Britannick Majesty shou'd appoint the Time and Place: With these Letters came also Blank Passports for the *French* Ministers, which were to be fill'd up here, and dispatch'd to *Paris*. These being deliver'd, a Committee of Council met at the *Cock Pit*, on the 19th of *November*, 1711, wherein M. *Bays* assisted to concert the Time and Place for the Congress, which being concluded at this Meeting, Mr. Secretary *St. John* notified it the next Day to the Foreign Ministers residing in *England*.

The Circular Letter from the Queen of Great-Britain to the Princes and States in Alliance with Her.

THE Most Christian King having acquainted us with his Desire to see the Quiet of *Europe* restored, by a Safe and Honourable Peace for Us and for all our High Allies; and having offer'd some Propositions to induce us to set on Foot Conferences for that End, which Propositions have been communicated to all the Allies; and the States-General having thereupon declared, that they were inclined and ready to enter into good and general Peace, and to join with us to invite the Potentates concerned with us in the present War, to send their Ministers and Plenipotentiaries to the Congress, the Place and Time of which have been concerted with the Ministers of the said States-General; we have judg'd it proper to give you Notice, without loss of Time, that we have agreed to fix the Opening of the said Congress to the 12th of *January* next New Selle, in the City of *Utrecht*.

As we have no other View than to put an End to this War by a firm Peace, in which every one of the Allies may find their reasonable Satisfaction, We doubt not you will

' will likewise agree to contribute to the forwarding of so
' Pious and Wholesome a Work. Wherefore we desire
' you to send forthwith the Ministers whom you shall
' chuse for this Purpose, that by the Time above-specified
' they may repair to the said City of *Utrecht*.

' We think it further convenient to acquaint you, that
' we, with the Lords the States-General, have unanimous-
' ly agreed to send our Ministers to the Congress only in
' the Quality of Plenipotentiaries, and that they shall not
' take on them the Character of Ambassadors till the Day
' of signing the Peace; thereby to avoid, as much as possi-
' ble, Disputes about the Ceremonial, and the Delays the
' same might occasion, &c.

At the same Time the Bishop was declared first Pleni-
potentiary to assist at the Conferences; and soon after the
Earl of *Strafford* his Colleague in this great Employment:
And tho' Matters went thus far smoothly, yet at the Meet-
ing of the Parliament the Lords take the Alarm, and
Vote a Clause in their Address, *That no Peace could be safe*
and honourable to Great-Britain if Spain and the West-Indies
were allotted to any Branch of the House of Bourbon.

This passing over, there remain'd very little in the way
of a Treaty; so that on the 27th of *December* the Bishop
of *Bristol*, with M. *Buys*, set out for *Holland*, where they
arriv'd the 1st of *January*. The next Day the Lord Privy-
Seal came to *Rotterdam*, from whence he proceeded to
Delft, and was met there by the Earl of *Strafford*, One of
Her Majesty's Plenipotentiaries. After a Conference of
some Housr the Earl of *Strafford* return'd to the *Hague*,
and the Lord Privy-Seal to *Rotterdam*; and on the 14th the
latter went to the *Hague*, where, together with the Earl
of *Strafford*, he was in Conference with the Grand Pen-
sionary, and then went back to *Rotterdam*, from whence he
proceeded the 15th to *Utrecht*, so that he was the First Mi-
nister that appear'd at the Place of Treaty. The Earl of
Strafford came thither next, on the 17th; and on the 18th
Messieur *Buys* and *Rendwonde*, Two of the Plenipotentiaries
of the States-General, arrived there also, and immediately
waited on the *British* Plenipotentiaries. The next Morn-
ing about Eleven, the Marshal d' *Huxelles*, the Abbot *Pol-
lignac*, and Monsieur *Mesnager*, the *French* Plenipotentiaries,
arriv'd at *Utrecht*; and the Two *British* Ministers, after ha-
ving been with the Two Plenipotentiaries of the States to
return

return their Visits, went to see those of *France*, at the *Marſchal d' Huxelles's* Houſe, where they were all Three together. They receiv'd their Lordſhips at their Coaches, and conducted them thither again; and about Four in the Afternoon the *French* Plenipotentiaries return'd their Lordſhips Viſit, and were receiv'd in like Manner.

The *British* Plenipotentiaries having given Notice of their Arrival to the Magiſtrates of *Utrecht*, Four of their Deputies waited upon them on the 20th of *January*, N. S. in their reſpective Houſes, and afterwards paid the ſame Compliment to the Plenipotentiaries of *France*, having had the like Notice of their Arrival. In the Afternoon a Conference was held between the *British* and *Dutch* Miniſters at *Monſieur Buys* Houſe, and the ſame Evening the *Marquis del Borgo*, one of the *Duke of Savoy's* Plenipotentiaries, arrived at *Utrecht*, accompanied by *Monſieur de Sales*, Miniſter of the *Griſons*. The next Day, the *British*, *Dutch*, and *Savoy* Miniſters, met together at the Lord Privy-Seal's Houſe, to conſider of the manner of Opening the general Conferencés, and the Method of carrying them on; and on the 22d the Miniſters of the Allies went to the Town-houſe, to examine and give Directions about the Place of Conference, and the Apartment appointed by the Magiſtrates for the Miniſters on both ſides. On the 23d they had a Conference together, at which they drew up, and agreed to, the *Project* of a *Regulation*, to be obſerv'd by all the Miniſters during the Congreſs, which being afterwards Communicated to the *French* Plenipotentiaries, they made ſome Alterations to it, which was agreed to.

A Project for regulating the Opening and Method of the Conferences in the Congreſs at Utrecht, and whatſoever relates thereunto.

THE Plenipotentiaries ſhall come to the Conferences, each in a Coach with Two Horſes, and very ſlender Retinue.

Those of the High Allies ſhall go into the Town-houſe, where the Conferences are to be held, at the Door which leads to their Apartment.

Those of *France* ſhall go in at the Door which is on the ſide of their Apartment.

All the Conferences ſhall be he'd without Ceremony or Diſtinction. Quarrels ſhall be hinder'd on both ſides, between

between the Coachmen and Footmen, who shall moreover be order'd to treat each other with good Nature and Civility, and to be ready on all Occasions to do one another all the Kindness and Service they can.

When Two Coaches meet in such narrow Places that they cannot both pass at the same time; far from disputing which shall have the upper Hand, or which of the Two shall go first, and from creating Trouble by this means, the Coachmen shall be obliged, on the contrary, to make room for each other, and to forward the Passing, as much as lyes in their Power; and he who is first inform'd of the Difficulty, shall stop, and make room for the other, if it appear that he can do it the most easily on his side,

In the Common Walks, as well within as without the Town, the Custom of keeping each the Right on his side, as has been agreed upon by those who meet there, shall be observed; and so likewise in the Streets and Highways, and generally everywhere that it can conveniently be done, without the least Dispute, or Affectation of Precedence.

The Pages, Footmen, and generally all such as are in Liveries, shall neither carry Sticks, nor Arms; as Swords, Knives, Pocket-Pistols, nor any others of what kind soever, whether openly or secretly, in the Town, or in the Walks. Pages may, however, if they please, carry little Wands. Moreover, all Domesticks shall be forbid going after Ten a Clock at Night, unless it be by express Order, or for the Service of their Master; so that none shall otherwise be found Abroad at unseasonable Hours; and such as shall act contrary hereto, shall be severely punish'd, and discarded immediately.

When a Domestick of the Plenipotentiaries is convicted of any Crime capable of disturbing the Publick Tranquility, the Plenipotentiary to whom he belongs shall renounce his Right of punishing him himself, and having deprived him of all manner of Protection or Privilege, shall cause him to be deliver'd up into the Hands of the Ordinary Judge of the Place where the Fault is committed, be it in the Town or elsewhere, and shall even demand the Laws to be put in Execution against the Criminal: And if in the same Case the Primal Officer commonly call'd *The Schout*, shall catch any one in the Commission of a flagrant Crime, either by himself, or by his

his Officers, or others, they shall be permitted to seize him, and even to imprison him, tho' they know him to be a Domestick of the Plenipotentiaries, till such time as they can send his Master Word, which they shall be oblig'd to do immediately, and without delay. The same shall be done (and of this the *Schout* is to take notice) in case any of the said Domesticks are found in the Cabrets, or Places suspected after the great Bell has done ringing; after which, whatever the Plenipotentiary orders, shall be punctually executed, whether he desires that his Domestick be kept in Prison, or releas'd from it.

If any Plenipotentiary's Domestick insults or quarrels with the Domestick of another Plenipotentiary, the Aggressor shall be immediately deliver'd up to the Master of him who is insulted, who shall do him Justice as he thinks fit.

All the Plenipotentiaries shall very strictly forbid their Domesticks, as well Gentlemen as others, having any Quarrels or Janglings among themselves: And if it happen, contrary to this Order, that there should be Quarrelling, and any one has the Boldness to pretend to clear himself by way of Arms, he shall be instantly turn'd out of the Plenipotentiary's House, and indeed expell'd the Town, without the least Regard to what he may alledge in his own Vindication, as, that he was in Drink, or receiv'd the Affront, or was first Attack'd; but he shall even be oblig'd to answer to the Complaint which may be made against him in any of the Courts of Judicature of his Natural Prince, upon this Score, where he shall be punish'd according to Law.

The Ministers on both Sides make a mutual Promise not to receive into their Service any Domestick who is discarded by his Master.

If any Minister has a mind to punish his Footman by Imprisonment, the Magistrates shall be desired to commit him to the Town Goal for a Time, at the Minister's Charge.

It is agreed, That the Coaches shall be ranged before the Town-House according as they come, always leaving Room enough for those which follow to set down the Ministers conveniently, and then to range behind, so that there may still remain a sufficient Space between the Coaches and the Town-House.

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‘ All that is above unanimously agreed upon, for the
 ‘ Order and good Government of this Assembly, shall not
 ‘ be brought for an Example, nor drawn into Conse-
 ‘ quence, at any other Place, Time, or Juncture; and
 ‘ none shall take Advantage of it, no more than receive
 ‘ Prejudice by it, upon any other Occasion. *Done at U-*
trecht, Jan. 23. 1712.

Besides this Regulation, it was agreed, That the Confe-
 rences should begin on *Friday* the 29th of *January* N. S.
 and that they should afterwards be regularly held on *Wed-*
nesday and *Saturdays*, at Ten in the Morning. On the 27th
 the *British* Ministers visited Messieurs *Vander Dussen* and
Goslinga, Two of the States Plenipotentiaries, and Mon-
 sieur *de Mellaredé*, One of the Duke of *Savoy's*, who came to
Utrecht the Morning before, and immediately notified their
 Arrival to their Lordships, whose Visits they return'd the
 same Day. The States of the Province of *Utrecht* being
 assembled the 28th, the Regulation agreed to by the Mi-
 nisters to be observ'd during the Congress, was communi-
 cated to them, and to the Magistrates of that City, both
 which promised to contribute what belong'd to them to-
 wards putting it in Execution; as likewise to keep such
 Guards at the Town-House, as should be necessary to pre-
 serve good Order during the Conferences.

These Preliminary Points being settled, on the 29th of
January, at Ten in the Morning, the first Conference was o-
 pen'd by Eight Ministers of the Allies, viz. the Two *British*,
 Four of the States-General, Two of the Duke of *Sa-*
voy's before-mention'd, and the Three Plenipotentiaries of
France; and lasted till near One in the Afternoon. The
 Lord Privy-Seal appear'd in a Black Velvet Gown, adorn'd
 with Gold Loops, with a Long Train borne up by Two
 Pages in Ash-colour'd Coats laced with Silver Oris, and
 Waistcoats of Green Velvet; and when the Plenipotenti-
 aries were assembled, his Excellency address'd himself to
 those of *France* in the following Speech.

Gentlemen,

WE are this Day met together in the Name of GOD to
 lay the Foundation of a General Peace between the High
 Allies, and the King your Master. We bring sincere Intentions,
 and also positive Orders from our Principals, to concur in every
 thing on their Part which may tend to the Furtherance, and
 happy Conclusion of so Beneficial and Christian-like a
 Work.

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On the other Hand, we are in Hopes, Gentlemen, that you are of the same Mind, and that your Instructions are so full, as to enable you to answer, without Loss of Time, the Expectation of the High Allies, in explaining yourselves clearly and roundly upon the Points which are to be settled in these Conferences; and that you will do it in so plain and particular a Manner, that all, and every of the Confederate Princes and States, may find a just and a reasonable Satisfaction upon their respective Pretensions.

The Mareschal d' Huxelles, First Plenipotentiary of France, answer'd, That it could not be doubted but his Most Christian Majesty had a sincere and ardent Desire to give Peace to Europe; adding, That with this View, his Majesty had furnish'd his Plenipotentiaries with Ample Instructions, and a Full Power to come to the Conclusion of so beneficial a Work, which was so earnestly desired by all Europe. After this the Abbot de Polignac made an elaborate Speech, wherein, among other Remarkables, he declared, on the Part of the King his Master, That the Seven Propositions which his Colleague Monsieur Mesnager signed at London were obligatory to his Most Christian Majesty only, and not to any of the Allies: Adding, That upon this Foot the Ministers of the said Allies might repair to Utrecht, assist at the Conferences, and produce their Demands and Pretensions; and, That Endeavours should be used to give them a reasonable Satisfaction. The Earl of Strafford, and the Plenipotentiaries of the States, and Duke of Savoy, made also Speeches suitable to that solemn Occasion; after which the Assembly broke up. The next Day the Ministers of the Allies had a Conference together at the Town-House, and agreed to meet there in like Manner twice a Week during the Congress, in order to preserve Union amongst themselves, and to take the necessary Measures for promoting the Interest of the respective Princes and States they represented. Accordingly they met again at the Town-House the 1st of February N. S. and in the Afternoon the British and Dutch Plenipotentiaries had another Conference at Monsieur Gossinga's Lodgings: And because the French Ministers had in their Speeches promised to deliver a Scheme or Plan of the Intentions of their Court, it was resolved to deliver to them in the next Conference a Declaration to the following Effect.

The Ministers of the High Allies, who are already here, will expect according to the Offers of the Ministers of France, the

the Plan or Scheme they have promised, and will not fail to return a particular Answer thereunto for what concerns the particular Interests of their Principals. And as to the Ministers of such of the Allies who are still Absent, the Ministers aforesaid have reason to believe that they will forthwith repair hither to concur with them in their Answer.

This Paper was deliver'd to the French Ministers in the second Conference held, and they promised to deliver their Offers for a General Peace; but declar'd that they wish'd that all the Ministers of the Allies were present, that they might at the same time receive a Counter Project or Answer from all the Members of the Grand Alliance. Next Day the Count *De Metternich*, Plenipotentiary of the King of *Prussia*, came to *Utrecht*, and having notified his Arrival, was complimented and visited by the other Ministers; for tho' the French had not yet owned the Title of his *Prussian* Majesty, it was agreed as an Expedient, that in the Visits between the Ministers of that Prince, and those of *France*, they should sometimes use the Word *Master*, and sometimes that of *King*, without the Addition of *France* or *Prussia*.

On Saturday the 6th of February N. S. was held the third General Conference, at which Count *Metternich* assisted; but it did not last above an Hour, the Plenipotentiaries on both Sides having agreed to defer the most material Business till the next General Conference, and allow so much Time to the other Ministers of the Allies to repair to the Congress. Messieurs *Bays* and *Gossinga* being the next Day in the Evening return'd from the *Hague*, assisted the 8th in the Morning at a Conference of the Ministers of the Allies, and in the Evening, together with their Colleagues, were in a Private Conference with the *British* Plenipotentiaries. The same Morning Monsieur *D' Erlorme*, Minister of the King of *Poland*, Elector of *Saxony*, arrived at *Utrecht*; as did, in the Evening, Monsieur *De Randwyck*, and Count *Kniphuysen*, Two more of the States Plenipotentiaries.

The Difficulty the Emperor made of sending his Plenipotentiaries to the Congress having at last been removed, by the positive Declaration made to them by the Earl of *Strafford*, and confirm'd to Prince *Eugene* of *Savoy* at the *British* Court, that the Seven Preliminary Articles offer'd by *France*, and signed by Monsieur *Mesnager*, were only bare Proposals, and should not be admitted as the Basis of the

ensuing Treaty; Count *Sinzendorf* and *Monsieur Consbruck*, Two of His Imperial Majesty's Plenipotentiaries, came to *Utrecht* on the 9th of *February* in the Evening, and immediately went to a Conference at which the other Ministers of the Allies were then assembled.

The next Day the fourth General Conference was held, between the Plenipotentiaries of the Allies, and those of *France*, which lasted from Ten in the Morning till Two in the Afternoon. It began with reciprocal Compliments, but soon turn'd into a warm Dispute between the Imperial and *French* Ministers. The *Mareschal d' Huxelles* made a Speech, importing, *That the King his Master had most sincere Intentions to end this War to the Satisfaction of the Allies; That in order to that they ought to deal roundly and fairly; that he hoped a good Success of this Negotiation, since the Ambassadors of the House of Austria, had, at last, resolv'd to come to the Congress; and thereupon desired the Ministers of the Allies to deliver the Proposals they had to make.* Count *Sinzendorf* very readily answer'd, *That the Emperor, his Master, had no less sincere Intentions to contribute all that lay in his Power towards so desirable a Blessing as a General Peace: But that it seem'd Monsieur d' Huxelles, instead of dealing roundly and fairly, began on the contrary with a Fetch, since he could not be a stranger to the Demands of the Allies, nor have forgot where the Conferences at Geertruydenberg broke off; that there was nothing for them to do now, but to find out Ways and Means to remove the Difficulties that obstructed that Negotiation; and since the King their Master had desir'd this Congress of the Allies, the latter had Reason to expect that he had given his Ministers the necessary Instructions for that End: Thereby insinuating, that the Allies insisted on the First Preliminaries signed at the Hague in the Year 1709.* Count *Sinzendorf* likewise took notice of this Expression, *the Ambassadors of the House of Austria; as derogatory to His Imperial Majesty.* The *Abbot de Polignac* reply'd, *That they ought to talk no more of the Affair of Gertruydenberg, since the King had fix'd a time for the Allies to accept his Proposals, which they not having done, he was under no Engagement.* This occasion'd a high Debate; and the *Mareschal d' Huxelles* having in relation to the Affairs of *Spain* adventured to say, *That they ought to wait the Arrival of the Ambassadors of that Crown,* Count *Sinzendorf* briskly reply'd, *He was present, and Himself was the Person.* *Monsieur d' Huxelles* return'd, *He acknowledg'd none but King Philip's, which inflam'd the*

Dispute.

Dispute. The Marechal d' Huxelles having likewise made bold to advance, in relation to a Point in Debate, that the Queen of England had engaged Her Promise, the Lord Privy-Seal took him short, and said, *There was no such thing in his Instructions.* - At last the French Plenipotentiaries consented to deliver their Proposals in Writing; which they did accordingly the next Day, at an Extraordinary General Conference.

A Specifick Explanation of the Offers of France for a General Peace, to the Satisfaction of all the Parties concerned in the present War.

THE King will acknowledge, at the Signing of the Peace, the Queen of Great-Britain in that Quality, as also the Succession of that Crown according to the present Settlement, and in the manner her Britannick Majesty shall please.

His Majesty will cause all the Fortifications of Dunkirk to be demolished immediately after the Peace, provided an Equivalent be given him to his Satisfaction.

The Island of St. Christopher, Hudson's Bay and Strait of that Name, shall be yielded up entire to Great-Britain; and Acadia, with Port-Royal and the Fort, shall be restored entire to His Majesty.

As to the Island of Newfoundland, the King offers to yield up that also to Great-Britain, reserving only to himself the Fort of Placentia, and the Right of Catching and Drying Fish, as before the War.

It shall be agreed to make a Treaty of Commerce before or after the Peace, as England shall chuse, the Conditions of which shall be made as equal between the two Nations as they can possibly.

The King will consent at the signing of the Peace, that the Spanish Netherlands, which are made over and given to the Elector of Bavaria by the King of Spain, shall serve for a Barrier to the United Provinces; and to augment it, he will join thereto Furnes and the Furner-Ambaght, the District of Knoque, Ypres, and the Castellany of Menin with its Verge; in Exchange, His Majesty Demands to form the Barrier of France, Aire, St. Venant, Bethune, Douay, and their Dependancies.

If the States-General are desirous to keep Garrisons in the Fortified Places of the Barrier so formed of the Dominions transferred to his Electoral Highness, and of what France adds thereto of its own, His Majesty consents that they shall put their
Troops

Troops into them in as great Number as they please; and besides, that they shall be maintained at the Expence of the Country.

In consideration of this Cession, and of this Consent, the King on his Side Demands, as an Equivalent for the Demolishing of Dunkirk, the Towns and Citadels of Lille and Tournay, with their Castellanies and Dependencies.

The Barrier thus regulated between France and the States-General, the King will grant for augmenting the Commerce of their Subjects what is stipulated by the Treaty of Ryswick, and the advantageous Tariff of 1664, with an Exception only of Six sorts of Merchandize which shall be agreed on, and which shall remain charged with the same Duties that are paid at this time; as also the Exemption of Fifty Sols per Tun on the Dutch Shipping, that come into France from the United Provinces, and Foreign Countries.

As to the Commerce of Spain and the Indies, the King will engage, not only to the States-General, but likewise to Her Britannick Majesty, and to all the other Potentates, by Virtue of the Power he has in this Particular, that the said Commerce shall be allowed exactly, and carried on in the very same manner as it was under the Reign, and till the Death of Charles II. and will promise that the French shall submit, as all the other Nations, to the Ancient Laws and Regulations made by the Kings his Catholick Majesty's Predecessors, with respect to the Commerce and Navigation of the Spanish Indies.

His Majesty further consents, That all the Potentates of Europe may enter into the Guaranty of this Promise. His Majesty promises, that the King his Grandson shall renounce, for the sake of the Peace, all Pretensions to the Kingdom of Naples and Sardinia, as well as to the Duchy of Milan; in whose Name he will consent, that the Part of that Duchy which is made over to the Duke of Savoy, shall remain to his Royal Highness: Provided that in Consideration of this Cession the House of Austria do in like Manner desist from all Pretensions to the other Parts of the Monarchy of Spain, from whence that House shall withdraw their Troops immediately after the Peace.

The Frontiers on both sides upon the Rhine shall be settled in the same Condition as they were before the present War.

In Consideration of all the Terms above specify'd, the King Demands that the Electors of Cologne and Bavaria shall be re-establish'd in the full and intire Possession of their Dominions, Dignities, Prerogatives, Goods moveable and immoveable, which they enjoyed before the present War: And reciprocally, his Majesty

Majesty will recognize in Germany and in Prussia all the Titles which he has not yet acknowledged.

The King will restore to the Duke of Savoy what he has taken from him during this War; as in like manner his Royal Highness shall restore to him what he has taken from France; so that the Limits on both Sides shall be the same they were before the Declaration of War.

All things as to Portugal shall be re-establish'd, and remain on the same Foot in Europe, that they were before the present War, as well with regard to France as to Spain; and as to the Dominions that Crown has in America, if there be any Differences to settle, Endeavours shall be used to agree them amicably.

The King will consent freely, and Bona Fide, to take in concert with the Allies all the most just Measures for binding the Crowns of France and Spain from being united on the same Head; that is to say, that one and the same Prince shall never be at once King of Both.

All preceding Treaties, that is, those of Munster and others that have been made since, shall be repeated and confirmed, to remain in their full Force and Virtue; excepting only such Articles from which the Treaty of Peace, now to be made, shall derogate, or alter something.

Sign'd,

HUXELLES

Copies of these Offers were taken by the Secretaries of all the Ministers of the Allies, who dispatch'd Expresses with them to their Respective Principals. The Count de Tercera, the King of Portugal's First Plenipotentiary, and Count Maffey, one of the Duke of Savoy's Ministers, order'd to the Congress from England, arrived at Utrecht the 10th as did the next Day Count Stadian from the Elector of Mentz; the Baron Dalwich from the Landgrave of Hesse Cassel, and several other Ministers. On the 12th of February the Two First assisted at a Conference of the Ministers of the Allies; and the next Day was held the Sixth General Conference, which the Earl of Strafford open'd with acquainting the Ministers of France, in pursuance of what was agreed the Day before between the Confederate Plenipotentiaries, that they had found it necessary to take time till the Fifth of March N. S. to give the Specifick Demands of the respective Parties engaged in the present War, to which the Ministers of France agreed. As during that Interval the Subjects of the General Conferences were to

to be less material than at other times; it was likewise agreed on all Sides that they should be held only on the *Saturdays*; but, on the other Hand, the Plenipotentiaries of the Allies resolv'd to meet more frequently. On *Sunday*, the 14th in the Evening, the Count *de Sinzendorf* and Monsieur *Consbruck* visited each of the *British* Plenipotentiaries, and the next Morning set out for the *Hague*, where they immediately repair'd to the Congress of the Confederate Ministers, and protested against the *Specifick Offers* of *France*. The same Evening, Count *Denboff*, the King of *Prussia's* First Plenipotentiary, arrived at *Utrecht*, so that by this Time the Congress was almost compleat.

These Propositions were entertain'd with different Sentiments in *Great-Britain*; and the House of *Lords* taking notice of them, they were there call'd *Trifling, Arrogant, and Injurious to Her Majesty and Her Allies*. This was seconded by several Peers of both of Parties, who said in Substance, *That those Propositions ought to be rejected with the utmost Indignation; that it plainly appear'd France had no other Design in View than to amuse and divide the Allies; and in particular, that it was derogatory to Her Majesty's Honour to enter into any Negotiation with that Crown before her Majesty's just Title was acknowledged*. Some Endeavours were used to adjourn the Debate to the Monday following, or, at least, to the Next Day, by suggesting, *That the Offers that were handed about, having yet no other Authority than their being inserted in the Holland Gazettes, might not be Genuine; and therefore the Lords ought not to take any Notice of them till such Time as the Queen had communicated them to the House*.

But to this Objection it was demanded by some present, whether on their Honours they knew of any better? Who answer'd, No: So that without dividing it was resolv'd to Address Her Majesty on the Disagreeableness of these *Specifick Offers*.

WE your Majesty's most Dutiful and Loyal Subjects, the Lords Spiritual and Temporal in Parliament assembled, beg Leave humbly to represent to your Majesty the just Indignation of this House at the Dishonourable Treatment of your Majesty by *France*, in having proposed to acknowledge your Majesty's Title to these Realms no sooner than when the Peace shall be signed. And we cannot forbear expressing our utmost Resentment at the Terms of Peace offer'd to your Majesty and your Allies by the Plenipotentiaries of *France*: And we do with the greatest Zeal

Zeal and Affection, assure your Majesty that this House will stand by and assist your Majesty with our Lives and Fortunes in carrying on this War, in Conjunction with your Allies, till a Safe and Honourable Peace can be obtain'd for your Majesty and your Allies.

But to return to *Utrecht*. The Ministers of the Allies at a Sixth General Conference held the 12th of February, having found it necessary to take till the 5th of March to give in their Specifick Demands, nothing of Moment pass'd to that Time.

The Demands made in the Name of His Imperial and Catholick Majesty, and the Empire.

THAT the Decrees and Conventions concerning the Constitution and Internal State of the Empire, made or to be made amongst themselves, remain unalterable and in their Vigour. *France* shall entirely restore to the Emperor and the Empire, for their Satisfaction and future Security, whatever was yielded to that Crown by the Empire and the House of *Austria*, by the Treaties of *Münster*, *Nimeghen*, and *Ryswick*, or has been otherwise kept or retain'd by the Crown aforesaid. *France* shall likewise, according to the Instances and Desires of the associated Circles of the Empire, and for their necessary Security, restore to the most Serene Duke of *Lorain*, renouncing all Manner of Pretensions of Vassalage, Homage, &c. upon that Account; His Sacred Imperial Majesty, and the Empire, reserving to themselves to make a further and more ample Declaration.

His Sacred Imperial and Catholick Majesty insists, that besides the Kingdoms and Provinces he is already in Possession of in *Spain*, *Italy*, and the *Netherlands*, the whole *Spanish* Monarchy, such as it was possess'd by King *Charles II.* be entirely restor'd unto him, saving however the Conventions already made, or that shall be made, by the said most Serene House of *Austria* with the most Serene King of *Portugal*, and His Royal Highness the Duke of *Savoy*, as also with the most Serene Queen of *Great Britain*, and the Lords the States-General of the United *Netherlands*, to remain for ever, and without any Interruption to the Princes of the said House of *Austria*, their Heirs and Successors, according to the Order and Disposition made in the last Will and Testament of *Philip IV.*

However, His Imperial and Catholick Majesty will not refuse to enter upon further Negotiations, in concert with His Allies, if the Plenipotentiaries of the most Christian King offer hereafter in His Name more reasonable Propositions than the former.

All Satisfaction shall be given to all the Allies of His said Imperial and Catholick Majesty, and the Empire, according to the Tenour of the Alliances and Conventions, whereby they have respectively bound themselves to each other, as to what they may pretend from *France*, and now demand or shall demand hereafter.

Sufficient Reparation shall be made to the other Friends and States of the Empire, their Vassals and Subjects, for the Damages they have received on the Part of *France*, or their Adherents, both before and after the breaking out of this War.

As to the rest, His Sacred Imperial and Catholick Majesty, reserving to himself the Power and Faculty of enlarging, interpreting, and also of altering the present Demands, as it shall be thought fit for the Good of the Peace, and the Publick Security. Done at *Utrecht*, March 5th, 1712.

The Specifick Demands of Her Majesty the Queen of Great-Britain, for what relates to France.

THE most Christian King shall acknowledge in the clearest and strongest Terms the Succession to the Crown of *Great-Britain*, according as it is limited by Acts of Parliament (made during the Reign of the late King *William* the III. of Glorious Memory, and of Her Majesty now reigning) to the Protestant Line in the House of *Hanover*.

The most Christian King shall promise besides, as well for himself as for His Heirs and Successors, never to acknowledge any Person for King or Queen of *Great-Britain*, other than Her Majesty now reigning, and those Kings or Queens who shall succeed Her by virtue of the abovesaid Acts of Parliament.

The most Christian King shall likewise oblige himself to cause the Person who pretends to the aforesaid Crown of *Great-Britain* to depart forthwith the Territories of *France*.

The most Christian King shall promise for himself, His Heirs, and Successors, never to disturb the said Queen of *Great Britain*, Her Heirs and Successors of the aforesaid Protestant Line in the peaceable Possession of the Crown of *Great Britain*, and of all depending thereon; as also never to grant any Aid or Assistance, directly or indirectly, by Sea or Land, in Money, Arms, Ammunition, Ships, Mariners, Soldiers or otherwise, to any Person or Persons, who hereafter would attempt under any Pretext or any Cause whatever to oppose the aforesaid Succession, or to favour those who should oppose it, directly or indirectly by open War, or by fomenting Seditions and Conspiracies against such Prince or Princess who shall be on the Throne of *Great Britain* by virtue of the aforementioned Acts, or against Her or Him on whom the Succession to the Crown of *Great Britain* shall devolve conformably to the aforesaid Acts.

The Plenipotentiaries of *France* shall forthwith enter into Negotiation with those of *Great Britain*, to make a Treaty of Commerce between the Two Kingdoms.

The most Christian King shall cause all the Fortifications of *Dunkirk* to be demolish'd, as also that Port to be filled up, and the Sluices which serve to cleanse it to be destroy'd; the whole at his Expence, and within Two Months after the Signing of the Peace: And His said Majesty shall likewise be oblig'd never to cause the said Fortifications, Port, or Sluices, to be repair'd.

His most Christian Majesty shall remit to Her Majesty the Queen of *Great-Britain* the Day of Exchanging the Ratifications of the Peace to be made, Authentick Acts and Formularies of Cession of the Islands of *St. Christopher*, and of *Newfoundland*, with the Town of *Placentia*, and the other Islands situate in the Sea round the same: As also *Acadia* with the Town of *Port-Royal*, otherwise call'd *Annapolis Royal*, and such Part of the said Country as depends thereon.

The most Christian King shall restore to the Queen and Kingdom of *Great-Britain* *Hudson's-Bay* and *Straits*, together with all the Countries, Seas, Coasts, Rivers, Places and Forts belonging thereto; and shall consent that the Limits betwixt the said *Hudson's-Bay* and the Possessions of the *French* on the Sides of the River of *St. Lawrence* shall be regulated, and the Subjects of *Great-Britain* and of *France*

Prohibited from ever passing the said Limits, or going by Land or Sea one to the other.

The most Christian King shall likewise cause just and reasonable Reimbursements to be made to the *English Hudson's-Bay Company* of all the Losses which the said Company has suffer'd by the Invasion and Depredation done by the *French* in Time of Peace to their Colonies, Ships, Persons and Effects.

The Subjects of *France* who are Inhabitants of *Canada* and others, shall for the Future forbear to hinder the reciprocal Traffick between the Subjects of *Great Britain* and the Natives of the Country of *America*; as also to disturb the Five Indian Nations or Cantons, or others who are under Her Obedience.

Her Majesty, conformably to Her Alliances, insists, that the most Christian King shall cause just and reasonable Satisfaction to be given to all and every one of the High Allies upon what they demand of *France*.

Although it be found convenient that every one of the High Allies should make their own particular Demands, yet because the Ministers of His Electoral Highness of *Hannover* are not yet arrived, and for other Consideration, Her Majesty's Plenipotentiaries insist that *France* shall own the Electoral Dignity of His said Highness, with all the Rights and Prerogatives thereto appertaining.

Her Majesty the Queen reserves to the Allies, whose Ministers could not yet come to the Congress, the Privilege of delivering in hereafter their Pretensions and Demands, which shall be received and considered in the same manner as if they were now Presented; it being Her Majesty's Intention that the same Regard should be had thereto, and just Satisfaction given them.

The Queen demands likewise that the better to preserve Tranquillity in the Empire, the Clause added to the Fourth Article of the Treaty of *Ryswick* shall be abolished, and that *France* shall not in any manner oppose the settling of all Affairs of Religion in the Empire conformably to the Treaties of *Westphalia*.

What Her Majesty thinks Herself obliged to Demand in Favour of the Reformed Protestants of *France*, of those who are in or condemned to the Gallies, detained in Prisons or other Places, or are Refugees, shall be express'd in the Course of the Negotiation, in concert with those of the Allies who concern themselves therein.

Her

Her Britannick Majesty Demands further, that the most Christian King cause good and speedy Justice to be done to the House of *Hamilton* for the Dutchy of *Chastellerauli*, to Colonel *Charles Douglass* for the Lands taken from him by *France*, and others of Her Subjects.

Her Majesty Demands besides, that *France* cause just and equitable Satisfaction to be given to Her Friends who shall be named in the Progress of the Negotiation, for the Losses and Damages which they have suffered by *France*, with the re-establishment of the Liberties and Priviledges which they have right to Claim.

The Specifick Demands of their High Mightinesses the Lords the States General of the United Provinces, of His most Christian Majesty the King of France, for a General Peace.

I. **T**HAT His most Christian Majesty, as well for himself as for the Prince or Princes his Allies, and all others who might pretend thereto, shall renounce, and cause to be renounc'd, in the most strong and most ample Terms, all the Right which he or the Prince or Princes his Allies, or others, might claim to the *Spanish Netherlands*, as they were possess'd, or ought to have been possess'd, by the late Catholick King *Charles II.* conformably to the Treaty of *Reswyck*: And because the Dutchy Town and Fortreils of *Luxemburg*, with the County of *Chimay*, the County Town and Castle of *Namure*, as also the Towns of *Charleroy* and *Newport*, are still in the Power of *France* or its Allies, His most Christian Majesty shall cause the said Dutchy, Counties, Towns and Fortresses, with all their Appurtenances and Dependances, and whatever else might further appertain to the said *Spanish Netherlands* describ'd as before, in the Condition in which the whole now is, with the Fortifications, as also with the Cannon, Artillery and Ammunition of War now actually therein, and with all the Papers, Letters, Records and Archieves, which relate to the said *Spanish Netherlands*, or to any Part of them, to be immediately after the Peace, and at furthest within Fifteen Days after the Exchange of the Ratifications, put into the Hands of the said Lords the States, to be restor'd with the rest of the *Spanish Netherlands*, already reconquer'd, to His Imperial and Catholick Majesty, as soon as the said Lords and States shall have agreed on the Manner wherein the *Spanish Netherlands* shall serve for their Barrier

or

of Security, and as soon as His Imperial and Catholick Majesty, conformably to the Treaty of *Münster*, shall have likewise made over to them, in all Propriety and Sovereignty, the Upper Quarter of *Gelder* for an Equivalent to be agreed on.

II. That the Towns and Places of *Menin* with its Verge, *Lisle* with its Citadel, *Doway* with the Fort of *Scarpe*, and *Orebies*, and all the Castellany of *Lisle*, with the Governments and Bailliages respective therein contain'd, also the Country of *Loeu* and the Bourg of *Gorgue*, *Tournay*, its Citadel, and the *Tournaisis*, *Aire* with its Bailliage or Government, with Fort *Francis*, *Terouanne*, *Lillers* with its Bailliages, *Sr. Venant* with its Dependance, *Bethune* with its Government or Bailliage, and *Bouchain* with its Dependance, shall remain to the said Lords the States, with the whole Extent of their Verges, Castellanies, Territories, Governments, Bailliages, Appurtenances and Dependances, Parts annex'd or Parts inclos'd within other Jurisdictions, without any Exception, the whole in the same Manner as the most Christian King has possessed all the said Towns, Places, Forts or Countries, with all their Appurtenances and Dependances, Parts annexed or Parts inclosed, before the present War: And that the most Christian King, as well for himself as for the Princes his Heirs and Successors, Born, or to be Born, shall renounce in Favour of the said Lords the States, in the most expresseive and most ample Terms, all Pretensions to the said Towns, Places, Verges, Castellanies, Governments, Bailliages, Territories and all their Dependances, Appurtenances, Parts annexed, Parts inclosed, within other Jurisdictions.

III. That His most Christian Majesty, as well for himself as for the Princes His Heirs and Successors, Born, or to be Born, shall yield, by the Treaty of Peace now to be made, in the most positive and most ample Terms, and immediately after the Peace, and at furthest within Fifteen Days after the Exchange of the Ratifications, shall cause to be evacuated and delivered up to the said Lords the States, *Furnes* and *Furnambacht*, therein including the Eight Parishes and Fort *Knock*, the Towns of *Loo* and *Dixmuyden* with their Dependances, *Ypres* with the Castellany and Dependances, and the Towns and Castellanies of *Baillieul* or *Belle Merville*, *Warneton*, *Comines*, *Warwic*, *Poperingen*, *Cassel*, and what depends on the Places here above specified, *Valenciennes* with its Provostship, *Conde* and *Maubeuge* with its

its Provostship, the whole with all their Dependances, Appurtenances, Parts annexed and Parts inclosed, without excepting any Thing; the whole in the same Manner as the most Christian King does now possess all those Towns, Places, Forts and Countries, with all their Appurtenances, Dependances, Parts annexed and Parts inclosed, and with the Fortifications as they are at present, as also with the Cannon, Artillery and Ammunitions of War now therein, and with all the Papers, Letters, Archives and Records which concern the said Towns, Places, Forts, their Dependances and Appurtenances.

The said Lords the States to be entirely allowed to agree as well concerning the said *Spanish Netherlands*, as concerning the said Towns and Places which they shall retain and keep in their Hands, and concerning the others which they demand besides of *France* for their Security, with His Imperial and Catholick Majesty and His Successors in the *Spanish Netherlands*; and to make thereupon such Conventions, from time to time, with His Imperial and Catholick Majesty or His Successors, as the said Lords the States shall think proper.

This Condition to be positively understood, *viz.* That no Province, Town, Fort or Place of the said *Spanish Netherlands*, nor of those which shall be yielded by the most Christian King, shall ever be yielded, transferred or given, or devolve to the Crown of *France*, nor to any Prince or Princess of the House or Line of *France*, either by Virtue of any Donation, Sale, Exchange, Matrimonial Contract, Inheritance, by Will, or *ab intestato*, or any other Title whatsoever, nor ever be put in whatever Manner into the Power or under the Authority of the most Christian King, or of any Prince or Princess of the House or Line of *France*.

IV. That His most Christian Majesty shall not in any Manner oppose or hinder the Garisons which now are or hereafter shall be on the Part of the said Lords the States in the Town, Castles and Forts of *Huy*, the Citadel of *Liege*, and the Town of *Bonn*, from remaining there till it be agreed otherwise with the Emperor and Empire.

V. That His most Christian Majesty shall grant to the said Lords the States, and to their Subjects, all the Advantages of Commerce and Navigation contained in the Treaties of Peace and Commerce of *Ryswick*, and by Consequence likewise Exemption from the Duty of Fifty Sols *per Tun* on Foreign Ships, as that Exemption was explained

ed by the separate Article of the said Treaty of Commerce ; that besides His most Christian Majesty shall grant to them absolutely and positively the Tarif of the Year 1664, without Exemption of any sort of Merchandize, or other Exceptions : And no posterior Tarif, Edict or Declaration, Ordinance or Arrest, shall be of any Force, but all those posterior Tarifs, Edicts, Declarations, Ordinances and Arrests, and all other Grievances introduced since the Year 1664, to the Prejudice of the Commerce and Navigation of the Subject of the State, as also the Tarif settled the 29th of May, 1699, between the Commissioners of *France* and of the State shall be abrogated, cancell'd, and annulled, so far as it relates to the said Lords the States and their Subjects ; nor shall any thing of all this with respect to them be altered hereafter directly or indirectly, under any Denomination or Pretext whatsoever.

VI. Whereas many *French* of the Reform'd Religion having been oblig'd to quit *France*, have as Refugees settled themselves under the Obedience of the Lords the States-General, and are become their Subjects, by Right of Naturalization, Burghership, or other Right ; and among those Refugees some have left in *France* their Husbands, Wives, Children, Fathers, Mothers, or other near Relations, and several have left their Goods or Estates there, or have since acquir'd Goods or Estates there by Succession, Inheritance, or otherwise, without having been able to draw off those Effects, or to enjoy them, the Lords the States-General in Consequence of the Protection which they owe to their Subjects, Demand

1. Permission to those Husbands, Wives, Children, Fathers, Mothers, or other near Kindred of the said Refugees, to retire freely out of *France*, and to come to live with their Husbands, Wives, Children, Fathers, Mothers, or other near Relations settled under the Obedience of the said Lords.

2. Restitution of all the Effects moveable and immoveable of Right belonging as well to the said Refugees as to their Descendants, Born Subjects of the State, or to their Heirs living under their Obedience.

3. That as well the said Refugees as their Descendants, Born Subjects of the State, may be consider'd and reputed, in all Respects, real Subjects of the State, and that accordingly they may enjoy, as well in *France* as throughout all its Dominions, all the Rights, Privileges, Franchises, Immunities

munities and Advantages which the other Subjects of the State ought to enjoy by Virtue of the Treaties of Peace and Commerce, without Exception or Reserve.

The Lords the States-General are desirous besides, that it may please His most Christian Majesty to grant, in Consideration of the Friendship which is to be re-established by the Peace, Liberty of Conscience to those of the Reform'd Religion who shall remain in *France*, as also to cause to be Enlarg'd and set at Liberty all those who for the sake of the Reform'd Religion are detained in Prisons, Convents, Gallies, and other Places.

VII. That His most Christian Majesty shall yield up likewise immediately after the Peace, to the said Lords the States, in the Quality of Executors of the last Wills of the late King of *Great-Britain* and of *Frederick Henry* late Prince of *Orange*, the Principality of *Orange*, and all the other Effects and Lands which belonged to the said King of *Great-Britain*, and which are situate in *France* or other Countries under the Dominion of the most Christian King, the Whole, with the Revenues, Profits and Advantages, and with all the Rights, Actions, Privileges, Usages and Prerogatives, in the same Condition and in the same Manner as the said King of *Great-Britain* did enjoy, or ought to have enjoy'd them before the present War, that in Consequence they may be restor'd by the said Lords the States to the Person or Persons who hath or have Right to them.

VIII. His most Christian Majesty shall cause all the Fortifications of the Town of *Dunkirk*, of the Forts of the Ports, of the Risbanks, and whatever may belong to them, without any Exception, to be demolish'd; as also the Port to be fill'd up; the whole at his own Expence, and without any Equivalent; in such Manner, that half of the said Fortifications be razed, and half of the Port filled up; within the Space of Two Months after the Exchange of the Ratifications, and the other half of the Fortifications, and of what remains of filling up intirely the said Port, within the Space of Two Months more: Nor shall the said Fortifications ever be re-built, nor the Port made navigable, again directly or indirectly.

IX. Whereas the Clause added at the End of the Fourth Article of the Treaty of *Ryswick*, made between the Emperor and Empire on one part, and the most Christian King on the other (importing, that the Roman Catholick Religion should remain in the Places restored) was a mani-

lest Contravention of the Treaty of *Westphalia*, and has already occasion'd others which have disturbed the Quiet of the Empire ; and there being no Way to preserve Tranquility there, unless Ecclesiastical Affairs be re-established and maintained on the Foot of the said Treaties, the Lords the *States* being extremely interested that the publick Quiet (after it shall be restored likewise in the Empire by a good Peace) may not be troubled there, by any Cause whatsoever, Demand of the most Christian King, that he consent as far as it relates to him, the said Clause be demolished in the Treaty of Peace now to be made ; and that in consequence His most Christian Majesty shall not in any Manner oppose the Re-establishment of Ecclesiastical Affairs in the Countries, Towns, and other Places already restored, and which he shall yet restore to the Emperor and Empire, and their Continuance afterwards, in the State they ought to be according to the said Treaty of *Westphalia*.

The said Lords the *States* Demand, besides what is above specified, Satisfaction for all and each of their High Allies, conformably to the mutual Treaties and Alliances made on Occasion of the present War ; and this in such a Manner, that by Virtue of the same Treaties the Lords the *States* may obtain likewise the Security of their Republick, and the Interest of their Commerce.

Reserving to themselves further, the Liberty of explaining, interpreting and enlarging the Contents of these Articles, as they shall think good, in the Course of this Negotiation.

The said Lords the *States* reserve likewise to those of their High Allies whose Ministers, or Plenipotentiary could not yet come hither to the Congress, the Liberty of making and delivering in their Demands, which shall be received and considered in the same manner as if they had been now given in.

Their High Mightinesses do moreover reserve to themselves the Liberty of supporting and seconding, during the Course of this Negotiation, the other Demands and Interests of their Allies ; as also the Interests of the Kings, Princes and States their Friends, and those of their own Subjects.

The Specifick Demands of His Majesty the King of Prussia.

HIS Majesty the King of *Prussia* shall be acknowledged in that Quality, without Restriction or Condition.

His said Majesty shall be acknowledged for the natural and lawful Sovereign Prince of the City and Principality of *Orange*, and that City and Principality shall be restored to him, with all the Rights, Appurtenances and Dependences thereof, in the Quality of lawful Successor of the House of *Chalon Orange*.

All the Estates of the Houses of *Chalon-Orange* and *Chatel-Belin*, situate in the *Franche-Comte*, *Burgundy*, and other Provinces under the Dominion of *France*, shall be restored to his said *Prussian* Majesty by Virtue of the foresaid Rights of Succession and others, conformably to the Treaties of Peace between the Princes of *Orange* and the Kings of *France* and *Spain*, to the last of which Princes His *Prussian* Majesty succeeded; together with all their Rights, Appurtenances and Dependences; which shall be restored to him with the Incomes, Rents and Revenues, of the said Principality, and the Revenues of the other Estates situate in *Franche-Comte*, and others under the Dominion of *France*, received since the Death of his late *Britannick* Majesty.

That His said *Prussian* Majesty shall likewise be acknowledged for the lawful Sovereign Prince of the Counties of *Neuschattel* and *Valingen*, with all their Rights, Appurtenances and Dependences, by Virtue of the Sentence of the Three States of the Country, the 3d of *November*, 1707. and the said Country of *Neuschattel* and *Valingen* shall be for ever and in all respects acknowledged and reputed a Member of the *Helvetick* Body.

That all the Arrests, Judgments, Declarations, Deeds of Exchange, and others of what Nature soever they be, contrary to the Sovereignty and Propriety of the Principalities of *Neuschattel* and *Valingen*, as also of the Succession of *Chalon-Orange* and *Chatel-belin*, wherever they are situate, shall be entirely revoked, annulled, cancelled and annihilated.

That the Arrests, Ordinances and Judgments, given against the Protestants of *Orange*, issued in 1703, and since, shall be likewise revoked annulled and annihilated.

Switzerland, their Allies and Confederates, and particularly the Cantons of *Zurich*, *Berne*, *Glaris*, *Basil*, *Schaffhausen* and *Appenzel*, the Sovereignty and the Town of *Neuschattel*

ebattel and *Valingen*, the City of *Geneva*, that of *St. Gall*, *Mulhausen* and *Bienne*, with all their Appurtenances and Dependences, shall be comprehended in the Treaty, as a Condition of the Peace; nor shall any Part of the laudable *Helvetic* Body, particularly of the laudable Protestant Cantons and their Confederates, be attacked, nor their Tranquility disturbed under any Pretext whatsoever.

To the State of *Neuchâtel* shall be united in all Sovereignty the small Part or Tract of Country of the *Franch-Comte* which is on this Side of the River *Doux*, the Castle (or Seat) of *Joux* and its Dependences therein included; and this shall be done by Way of Amendation and Reparation to his Majesty. for the Waste and Havock made in different Parts of this Lands, Estates and Provinces.

His Majesty's Subjects everywhere shall enjoy all the Advantages for Commerce that shall be enjoy'd by the Subjects of Her Majesty the Queen of *Great Britain* and of their High Mightinesses; nor shall his said Subjects be oblig'd to pay higher or other Duties, Gabels or Impolls whatsoever, on Account of their Persons, Goods, Ships or Lading, directly or indirectly, than what shall be paid by the Subjects of the said Potentates.

The Town of *Gelder*, with the Canton of that Province, and the Town and Country of *Erkelens*, which his *Prussian* Majesty Possesses, shall remain to him in full Sovereignty and Propriety, as taken from *France* by His Majesty's Arms, and for other considerable Pretensions, for which His Majesty is not satisfied by *Spain*.

Whereas many *French* of the Reform'd Religion having been oblig'd to quit *France*, have settled themselves as Refugees under the Obedience of His Majesty, and are become his Subjects by Right of Naturalization, Burghership, or other Right; and whereas among those Refugees some have left in *France* their Husbands, Wives, Children, Fathers, Mothers, and other near Relations, and several of them have likewise left their Goods or Estates, or have acquir'd Goods or Estates there since, by Succession, Inheritance or otherwise, without having been able to withdraw or enjoy the same, His Majesty in Consequence of the Protection which he owes to his Subjects, Demands, First, that it may be permitted to those Husbands, Wives, Children, Fathers, Mothers, or other near Kindred of the said Refugees; to depart freely out of *France*, and to come to live with their Husbands, Wives, Children, Fathers, Mothers,

or other near Relations who are set-*led* under the Obedience of His said Majesty. Secondly, the Restitution of all the Goods or Estates moveable or immoveable, by Right appertaining as well to the said *French* Refugees, as to their Descendants Born under the Obedience of His Majesty, or to their Heirs in his Dominions. Thirdly, that the said Refugees or their Descendants, Born Subjects of His Majesty, shall enjoy as well in *France* as in any Part of its Dominions, all the Rights, Privileges, Franchises, Immunities, Liberties and Advantages, which His Majesty's other Subjects ought to enjoy there, without any Exception or Reserve. His Majesty is desirous besides, that it may please His most Christian Majesty to grant, in Consideration of the Friendship which is to be re-establish'd by the Peace, Liberty of Conscience to those of the Reform'd Religion, who shall remain in *France*, as also to enlarge and set at Liberty all those who for the Sake of the Reform'd Religion are detained in Prison, Convents, Gallies, and other Places.

The Clause to the Fourth Article of the Peace of *Ryswick* shall be abolish'd, and the Affairs of Religion in the Empire, and particularly in the Places restored by the Peace of *Ryswick*, and to be restor'd by the Peace now to be made, shall be put into the Condition they ought to be according to the Tenor of the Peace of *Westphalia*.

One or more Articles shall be made of what is mention'd above, with Clauses necessary for the Explication or Security of what shall be agreed.

His Majesty's High Allies shall have Satisfaction, Conformably to his Alliances.

His Friends who shall be mentioned in the Progress of the Negotiation, shall have just and reasonable Satisfaction for the Losses and Damages which they have suffered by *France*, as likewise the Re-establishment of the Liberties and Privileges which they have Right to claim.

His Majesty reserves to himself the Right and Liberty of making other Demands, according as the Course of the Negotiation for a General Peace shall require.

Done at Utrecht, the 5th of March, 1712.

Signed, O. M. C. de Denhof, C. de Metternich.

The

*The Demands of His Royal Highness of Savoy for the
General Peace about to be made.*

AS the just Satisfaction of His Royal Highness of *Savoy* cannot be better regulated than by His Treaties of Alliance, and by a reasonable Security for His Dominions, His Royal Highness Demands,

That in the Treaty of Peace to be made, the known and incontestible Right belonging to His Royal Highness, and which was declared by the last Will of *Philip IV.* King of *Spain*, to the Succession of the Monarchy of *Spain* immediately after the most August House of *Austria* be maintained whole and entire, without having the least Prejudice done to it; and that no Third Prince preferable to His said Royal Highness shall be introduced or established in any of the Dominions of the said Monarchy of *Spain*.

That His said Royal Highness be immediately restored to the Possession of the Duchy of *Savoy*, and of the Provinces depending on it, the County of *Nice* and its Dependences, and all the Places and Countries which belong to His said Royal Highness, and which have been taken by the Arms of His most Christian Majesty during the Course of this War, without any Restriction.

That His most Christian Majesty quit in Favour of His Royal Highness, and make over to him all His Rights of Propriety and Sovereignty to the Forts of *Exilles* and *Fenestrelles*, and to all the Valleys on the other Side of Mount *Genevre* and other *Alps*, including therein the Valley of *Chateau Dauphin*; and that to form the Barrier of the Dominions of His said Royal Highness, who will accept it, at the same time in Reimbursements for the Places of His Dominions which have been demolished, His most Christian Majesty yield to him on the Side of *Piemont*, the Fortresses of Mount *Dauphin* and *Briancon*, with the *Brianconois*, and the Valley of *Queirasque* on the Side of *Savoy*; *Barran* with its Fort and Territory, and the small Extent of Ground from thence to the Confines of *Savoy* on one Side of the River *Isere*, and on the other Side of the *Gonfelin*, and drawing a Line from thence to the *Col de Vaugiani*, with what shall be between the said Line and *la Rochette*, and other Lands of *Savoy*; together with the Lands, Places, and Villages, which are on the other Side of the *Rhone*, towards *Savoy*, the Navigation of the *Rhone* being in common

mon between the King of *France* and the Duke of *Savoy* from *Geneva* to *St. Genis d'Aoste*, this latter included: And on the Side of *Nice* the Fort of *Monaco*, the most Christian King to stand bound to indemnify the Prince of that Name.

The Cessions made by the Emperor *Leopold* of Glorious Memory to His Royal Highness, by the Treaty of Alliance, and the secret Article of the same, dated the 8th of *November* 1703, shall remain in full Force and Firm, and have entire Effect; and on this Occasion His most Christian Majesty shall acknowledge them to be so, and not contest or infringe them directly or indirectly, at any time, for any Reason whatsoever; nor shall hinder by Force, or otherwise, His Royal Highness from enjoying all the Countries, Territories, Places, Lands, Rights, and the Exercise of those Rights, which are comprehended in the said Cession.

That it shall be lawful for His Royal Highness to make such Fortifications as he shall judge most convenient in all the Places which he acquired by His precedent Treaties.

That the Prince of *Monaco* shall acknowledge in His Royal Highness the Superiority and direct Dominion of the Places of *Menton* and *Roccabruna*, and take the Investitures of him, as His Predecessors have done.

That the Commerce from *France* to *Italy*, and *vice versa*, shall be carried on in the Manner specified by the Sixth Article of the Treaty of *Turin*, and the Letters and Mails by the ordinary Posts shall continue to be sent by the same Road, observing on that Account in the Territories of His Royal Highness what has been practised in *France*, with respect to the Mails from *Italy* and *Spain*, and *vice versa*, since the Time of *Charles II.* without altering the Roads. The *French* Shipping shall pay the Ancient *Dace* (commonly called the Right of *Villefranche*) conformably to what was practised in the Time of His Royal Highness's Predecessors Dukes of *Savoy*; nor shall any Opposition be made thereto for the future, on the Part of the most Christian King, or of His Subjects.

That His Royal Highness shall be at full Liberty to sell the Barony *Des Effarts*, and other Estates and Effects which he has in *France*, without any Hindrance formed on the Part of His Majesty, who shall recede from, in Favour of His said Royal Highness and of His Successors, or Persons acquiring from them, all Rights which he might claim

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to the Lands which are in *Bugey*, and which do at this Time belong to His said Royal Highness, to whom if it be required, the most Christian King shall yield the irrevocable Propriety of them, for His Royal Highness and His Successors Dukes of *Savoy*, and others acquiring from them.

The Treaty of *Turin* of 1696 shall be kept and observed punctually in every Thing that is not derogated from by the present.

His said Royal Highness reserves to himself the explaining and specifying more amply the above-mentioned Demands, and the enlarging them as the Negotiation shall give him Occasion, and as shall seem to him convenient and reasonable.

His said Royal Highness insists besides, that pursuant to the Treaties of Alliance, all the High Allies, and each of them, find and have their Satisfaction, and that the Treaties of Peace they shall make with *France* be included, and stipulated respectively in those which the other High Allies shall make with His most Christian Majesty, as if they were therein inserted Word for Word; reserving to the Allies absent, and whose Ministers could not yet come, to make their Demands.

He demands further, That *France* cause to be given to His Friends and Subjects, who shall be named in the Progress of the Negotiation, Satisfaction for the Losses and Dammmages which *France* has done and occasioned to them, and upon the Demands which they have Right to make. Done at *Utrecht* the 5th of March, 1712.

The Specifick Demands of the most Serene and most Potent King of Portugal.

HIS Sacred Royal Majesty of *Portugal* judging, That the Interest of *Portugal* would not be sufficiently secured, unless all and singular the Dominions of which the *Spanish* Monarchy was formerly composed when possessed by the Catholick King *Charles II.* be restored to the House of *Austria*.

I. Demand, That the whole Monarchy of *Spain*, including the *West-Indies*, be yielded to the most Serene and most Potent Prince *Charles VI.* Emperor of the *Romans*, except those Cities, Towns, Fortresses, Villages, Territories, Lands and Rights, as well in *Europe* as *America*, which

which by Agreement between the most Potent Prince Leopold Emperor of the Romans, and the most Serene and Potent Prince Peter II. King of Portugal, and the other Allies, are to be made over and given for ever to His Sacred Royal Majesty of Portugal, or promised to the other Allies.

II. That *France* yield to him and to the succeeding Kings of Portugal for ever, all the Right which that Crown pretends to have to the Countries about the North Promontory, commonly called the *North Cape*, belonging to the Territories of the State of *Maranon*, and situate between the River of *Amazons* and that of *Vincent Pinso*, notwithstanding any Treaty either Provisional or Decisive, made concerning the Possession of and Right to those Countries: As also that *France* yield (or renounce) whatever other Right which that Crown pretends to have to any other Territories of the Monarchy of Portugal.

III. His said Sacred Royal Majesty of Portugal reserves besides to himself the Right of making a more ample Explanation of the aforesaid Demands, during the Course of these Conferences.

IV. He insists likewise, that pursuant to the Alliances, just and equitable Satisfaction be given by *France* to all and each of the Allies upon their Demands.

V. Lastly, That the like just and equal Satisfaction be given by *France* to the Friends of the said most Serene and Potent King, who shall be named when the Negotiation of Peace is more advanced, for the Losses and Damages they have sustained from *France*. *Utrecht, March 5th, 1712.*

The Elector Palatine's Demands.

THE most Serene Elector Palatine being informed that the Ministers of His most Christian Majesty sent to the present Conferences for Peace have therein made some Propositions; and that the Plenipotentiaries of the Allies have thought it convenient that each of them should give in their particular Demands; His Electoral Serenity desires above all Things, that all and every one of the Allies should obtain just and reasonable Satisfaction.

He demands to be maintained in the peaceable Possession of the *Upper Palatinate* and the County of *Chumb*, in which he was reinstated by the deceased Emperor, with the Consent and Approbation of the whole Electoral Col-

lege, with all the Dependencies, Rights, Priviledges, Emoluments, and the Ancient Pre-eminence of His Electoral Dignity, conformably to the Tenour of the Investiture and Patent which have been granted to him : As likewise to be re-establish'd in the Places, Territories, Towns, Bourgs, and Castles which have been taken from him by the Arms of His most Christian Majesty, under Pretext of a Right of Superiority, Sovereignty, Confiscation, or otherwise, and that he receive due Satisfaction for the Damages and Injuries suffer'd, and for the Contributions extorted without Measure.

Done at Utrecht, March 5th, 1712. MUNDHEIM.

The Demands of His most Serene Highness the Landgrave of Hesse-Cassel.

HIS most Serene Highness having the Honour to be of the Grand Alliance, and of being engaged to it by other particular Treaties, he neither can nor ought to desire any Thing in the World more, than that the said Alliance should be executed in all its Points and Articles, and that each of the Allies should enjoy by the General Peace the Benefits it contains.

Conformably to this his most Serene Highness demands in the First Place entire Satisfaction for all the High Allies in General, and for each of them in particular.

He demands Secondly, The Conservation and Re-establishment of the Protestant Religion in the Countries belonging to the Empire on the Foot of the Peace of *Westphalia*, and that the Clause added to the Fourth Article of the Treaty of *Ryswick* be abolished.

Thirdly, He demands for his own Security and Satisfaction to keep for ever the Fortress of *Rhinfels*, the Town of *St. Goar*, Fort *Katz* and the little *Baillage* depending thereon; and that the Forty-fifth Article of the Treaty of *Ryswick*, so far as 'tis contrary to this Demand, be abolish'd.

And it being just that Reparation be made him for the Damages he has suffered by this War, and that he be reimbursed the Expence it has engaged him in, he demands Fourthly, That just and full Satisfaction be given him.

Fifthly;

Fifthly, That the most Serene House of *Lorrain* have just and reasonable Satisfaction.

And Sixthly, That all the Estates and Effects belonging to the Succession of the House of *Orange*, and now in the Hands of *France*, be restored, with the Revenues received, and whatever is become due since the last War, to their High Mightinesses as Executors of the last Will of His Majesty the late King of *Great-Britain* of Glorious Memory, for the use of those who shall appear to have Right thereto.

For the rest, His most Serene Highness reserves to himself the Liberty and Power of declaring and explaining hereafter more amply, and adding what he shall think to be for the Security and Indemnity as well of all the High Allies, Confederates and Friends, as of himself and of His most Serene House.

Done at Utrecht, March 5th, 1712. B. de DALWICH.

The Specifick Demands of the most Reverend Lord the Bishop and Prince of Munster and Paterborn.

HIS Highness having been necessitated to employ immense Sums during the present War, undertaken for the Liberty and Safety of all *Europe*, to be at great Expence for maintaining His Troops, and for that End to burthen His good Subjects with excessive Contributions; and His Country having suffered great Dammage by the continual Marches of Auxillary Troops; on this Account His Highness Demands, in Right of Satisfaction, and Indemnity, that those Expences and Damgages be made good and repaired by the most Christian King: And this with so much the more Justice, because in a like Case the Bishopricks of *Munster* and *Paterborn* were obliged by the Treaty of Peace of *Westphalia*, to pay a great Sum of Money, under the Denomination of Satisfaction, to the Allies of *France* at that Time.

Done at Utrecht the 5th of March, 1712. De DUCKER.

The Specifick Demands of the most Serene Prince of Wirtemberg.

TIS demanded for the most Serene Prince and Lord *Erberhard Lewis Duke of Wirtemberg and Tece*, Count of

of *Montbeliard*, Lord of *Heidenheim*, &c. and His most Serene Houſe,

1. Equitable Satisfaction, conformable to the Treaties, for Coſt and Expence in this War, and for the Dammiages ſuffered therein, a particular Deduction of which is referred to be produced, as alſo Means to repair them in ſome Meaſure.

2. Confirmation of the Poſſeſſion already obtained of that Part of the Lordſhip of *Wiſenſteig*, which is included in the Dutchy of *Wirtemberg*, and which formerly belonged to the Houſe of *Bavaria*, in the Manner it has been given and made over to the moſt Serene Duke.

3. Intire Reſtitution of the Principality of *Montbeliard* to the moſt Serene Duke and Lord *Leopold Eberhard*, with what belongs thereto; viz. the County of *Horbourg*, and the Lordſhips of *Reichenweber*, *Granges*, *Clewal*, and *Pafſavant*, to be held immediately of the *Roman Empire*, as well as the Principality; as alſo the free Baronies (ennobled with all Territorial Jurisdiction) of *Hericourt*, *Chatelet*, *Blamont*, and *Hemont*, in their Ancient and foreſaid State of Independency, as well with reſpect to Spirituals as Temporals, and in all the Rights, Immunities, Prerogatives, and Revenues, without any Exception of whatever belonged formerly thereto, or in whatever manner the ſame ought to have belonged, with Abolition of all that has been done or pretended to be done to the contrary. Moreover, juſt Satisfaction to the aboveſaid Lord Duke for the Town of *New Briſac* and its Fortifications, as being Built on the Territory of *Horbourg*.

Done at *Utrecht*, March 5th, 1712. A. G. V. HESPEN.

The Specifick Demands of the moſt Reverend and moſt Serene Prince Elector of Trier, &c.

THE moſt Reverend and moſt Serene Elector of *Trier* demands, That the City of *Trier* be reſtored to him, and its Fort call'd *S. Martin*, as alſo the Town and Caſtle of *Saarbrug* in the Condition they are at preſent, without demolishing any thing more, and without deſtroying in them any publick or private Buildings, with the Cannon found in them at the Time they were taken; alſo that he put into Poſſeſſion and entire Enjoyment for ever, without Trouble or Hindrance for the Future on the Part of *France*,

France, of the Village of *Feppin*, and of all the other Places, Fees, Revenues, Rights Ecclesiastical and Secular, that Himself or Predecessors have had or possessed, or ought to have had or possessed as well before as since the Peace of *Munster*, with respect to the Archbishoprick and the Electorate and the Abbey of *Prumes*, reserving to himself to set forth in particular the Losses suffer'd on Occasion of this War.

His Electoral Highness further demands, to be re-establish'd in the peaceable Possession of the Grand Priory of *Castile* and the Abby of *Palermo*, and of all the Revenues and Rights depending thereon, with the Perquisites and Emoluments which have been unjustly detain'd from him during this War.

In Conclusion, the most Serene Elector demands, that according to the Tenour of the Treaties, just and fit Satisfaction be given to His Allies on the Part of the most Serene King of *France*.

Done at Utrecht the 5th of March, 1712.

Sign'd,

J. W. V. B. d' Elv. De Keyserfelt.

The Demands of the Associated Circles.

SAD Experience having shewn, that the Circles adjoining to *France* have not from the Time of the Treaty of *Munster* been suffer'd by the most Christian King to enjoy the Fruits of Peace, but have been continually molested by him, as well as in Time of War, either by Reunions, or by open Hostilities; the Security of those Circles does therefore absolutely require, that the most Christian King do restore, with Reimbursement or Reparation of the Damages occasion'd by the present War, all that was yielded up to him by the Peace of *Munster*, and the subsequent Treaties, by the Circles, and by the House of *Austria*; as also, that he restore those Parts of the Two *Lorrains*, and of the Duchy of *Bar*, which were wrested from them, either by Treaties, or by Force of Arms, and that all Obligation of Fealty for the same be absolutely annulled: That so the Peace now to be made, may be a Bar against such Ills, as have already been sustain'd, and might be apprehended for the future; and publick Tranquillity between

between the Kingdom of *France*, and the adjacent Circles of the Empire may be established, and hold firm.

Done at Utrecht, March 5th, 1712.

STADIAN.

On the 9th of *March* at a General Conference the *French* Plenipotentiaries declar'd, That these Demands of the Allies were so very extensive and indeed surprizing, it cou'd not reasonably be expected they cou'd return an Answer till they had receiv'd Instructions from the Courts of *France* and *Madrid*, to whom they had imparted the same; and therefore demanded till the 30th of *March* to be fully empower'd to make their Reply, which was easily granted by the other Side.

On the 30th of *March* the Assembly was very numerous, for after a tedious Expectation of Three Weeks, it was generally suppos'd the *French* Plenipotentiaries wou'd have explain'd themselves on the Specifick Demands of the Allies; but instead thereof they only made a formal Declaration, *That as they had communicated in Writing the Specifick Offers of the most Christian King, and the Allies had likewise given in Writing their Specifick Demands, they were ready to treat by Way of Conference.* Having been told that something more Clear and Satisfactory had been expected from them, the Plenipotentiaries of the Allies retir'd to their separate Apartment, and after about Half an Hour's Communication together, return'd and told those of *France*, *That they fully expected an Answer to their Demands in Writing, and the rather, because they had in Effect promis'd so to do.* This rose to a Debate, but was deferr'd by Agreement to the 2d of *April*, when M. *Bays* (according to a Resolution taken the Day before among all the Ministers of the Allies) deliver'd himself to the Plenipotentiaries of *France* in the following Manner.

Messieurs, You know that on *Wednesday* last we declar'd, That we had expected a Specifick Answer in Writing to our Specifick Demands deliver'd to you in Writing, and that we continu'd in that Expectation of an Answer in Writing: We have since conferr'd together on that Subject, and are till unanimous in the same Opinion, and consequently insist that an Answer be deliver'd to us in Writing.

The *French* Ministers answer'd as they had done before, *That as they had reciprocally given each other their Pretensions*

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in Writing, they cou'd not perceive how they were oblig'd to give any further Answer in Writing; but declar'd themselves ready to enter into a Negotiation with all the Allies in the usual Form observ'd in other Treaties.

This Refusal of the *French* rais'd a very great Heat in the Congress, and some Ministers were ready to give it as their Opinion, That such Trifling was a sufficient Ground to dissolve the Congress; for the *French* Plenipotentiaries refusing to answer in the Method all the Allies had punctually agreed on, it wou'd be Fruitless as well as Dishonourable for those of the Allies to remain at *Utrecht*. It was besides urg'd as their Promise, to give a Satisfactory Answer, and no Answer cou'd be esteem'd so that was contrary to the Method the Allies had punctually resolv'd to proceed in. And this was urg'd with so great Strength of Reason and Judgment, that it drew the *Marshall de Uxelles* to a plain Confession, *That if any such Promise had been made it wou'd be but just to perform it; but then a very doubtful Question wou'd arise, whether any Promise of that Nature cou'd be prov'd.* The Count *De St. Johns* seconded him, and pretended to shew out of the Protocol of the former Conferences that there was no such Promise; which Arguments was soon overthrown by some of the Ministers of the Allies, who shew'd by undeniable Instances, and amongst others, by the Resolutions taken in the First Conferences, and inserted in the Protocol, wherein it was concluded, *That all Proposals on both Sides shou'd be sign'd by one of the Plenipotentiaries; which Resolution wou'd have been useless, not to say ridiculous, if both Parties had not intended then to treat in Writing.* The Reply made to this was very feeble, pretending, that the Resolutions so enter'd were in relation only to the Specifick Offers they had made, and the Specifick Demands they had receiv'd from the Allies: Those who sought to allay this Ferment, found no Way so essential as proposing to break up the Assembly for that Time, and referring the Dispute till the next General Conference on the 6th of *April*.

On the 5th of which Month the Ministers of the Allies had a very long Conference among themselves, and persisted in their former Resolution, *Of obliging the French to answer in Writing.* Yet there were some, who seem'd to express themselves of the Opinion, that the Negotiations might be carried on the Foot propos'd by *France*; but when they observ'd that
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the Tide ran too strong against them, and that the Generall were of contrary Sentiments, they concurr'd with the rest, and declar'd that they had positive Instructions from their Principal to conform themselves to the General Opinion of the Ministers of the Congress. According to which Resolution the next Day M. Buys deliver'd a Second Declaration in the Name of all the Allies.

Messieurs, You know that on *Saturday* last we persisted to demand an Answer in Writing to our Specifick Demands; We have consulted again among ourselves, and have all unanimously agreed to insist upon a Specifick Answer in Writing, to our Specifick Demands in Writing.

In Answer to this the French Ministers declar'd, That as they had positive Instructions not to engage themselves into a Negotiation in Writing, they cou'd not do it without new Orders from the King their Master, to which End they wou'd immediately dispatch a Courier to acquaint him with this last Resolution of the Allies. Some of the Ministers of the Allies reply'd, That it was Time to have expected they had not now wanted such Instructions, but however, they were willing a longer Time might be taken, if it were design'd with Purpose to answer Effectually. The French Ministers added, That they cou'd promise no more than to follow the Instructions they shou'd receive, since they did not expect the Allies wou'd have dealt with them in so Tyrannical a Manner. This Expression was taken Notice of, and will very probably be the Subject to ground a Complaint to the French Court. The French added, That they pleaded for no more than what was practis'd at the Treaties of Munster, Nimeguen, and Ryswick: But their Assertion was prov'd to be wrong, with respect to those Treaties, where every Thing was not transacted by Word of Mouth without Writing. Besides, there were Mediators there, but none at *Utrecht*, which made this an irregular Sort of a Congress. The Marschal de *Uxelles* answer'd, That they had no Reason to deliver any Thing in Writing, since the Confederates made a bad Use of the last, to irritate the People against them. To which one of the Imperial Ministers reply'd, That the French had no more to do but to give in just and reasonable Proposals in Writing, and then it wou'd irritate the People against the Allies if they refus'd to accept them. Another of the Confederate Ministers was so plain as to tell the Marschal de *Uxelles*, That the French Court wou'd be deceiv'd if they expected a Peace by Tampering with some of the Allies, in Order to divide them

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them from the rest. To this I hear the Marechal reply'd, *That not only the present King of France, but even the whole Royal Family, won'd enter into a Vow to take a severe Revenge on the Dutch if they obstructed the Peace.* To which other of the Confederate Ministers said, *That such Discourser won'd only serve to keep the Dutch on their Guard, and arm them against all future Revenge, by inducing them to lay hold of this Opportunity to crush the Power which now threatned them.*

I am inform'd likewise that some high Words happen'd between the Two Plenipotentiaries of one of the Confederates, which 'tis probable will occasion Mutual Complaints against each other to their Principal, who 'tis said does not approve of some Steps that have been taken to hinder the States of *Brabant* from supplying the Imperial Troops which are Marching to the *Netherlands* with Bread and Forrage, upon the Security propos'd by the Emperor to reimburse them.

Since the Conference I have last mention'd there has nothing happen'd that deserves to be mention'd. There was indeed a General Conference on the 23d of *April*, but the *French* answer'd as they had done before, *That they were not fully instructed*; so that the Time of the Confederate Ministers is spent in frequent Journeys from hence to the *Hague*, and back again. Nor will I presume to give you any certain Account of what has been transacted in the frequent Conferences held between the Ministers of *Great-Britain* and the *States*, both at the *Hague* and here, the Secrecy wherewith they were manag'd not affording any Opportunity: But on my Lord *Strafford's* Arrival, who is set out for *England*, I make no doubt but you will hear.

What occurs further in this very Memorable Treaty, for in many Respects I may reasonably call it so, you shall be sure to receive from me. But I must now tell you that so little of what is done is manag'd Publickly, that you must not be surpriz'd that the Relation I have hitherto given you has been no fuller.

F I N I S.

E R R A T A.

PAGE 9. Line 14. for *Negotiations* read *Negotiation*; p. 11. l. 5. f. *Count Sultas* r. *Count Gallas*; p. 12. l. 3. r. *endeavouring to persuade*, &c. p. 13. l. 14. r. *the Bishop of Bristol*; p. 46. l. 38. f. *till* r. *still*; p. 47. l. 24. f. *Arguments* r. *Argument*.

Just Publish'd the 5th Edition of

A Full and Impartial Account of the Discovery of *Sorcery* and *Witchcraft*, practic'd by *Jane Wenham* of *Walkerne*, in *Hertsfordshire*, upon the Bodies of *Anne Thorn*, *Anne Street*, &c. The Proceedings against Her from Her being first Apprehended, till She was Committed to Goal by Sir *Henry Chauncy*. Also her Tryal at the Assizes at *Hertsford* before Mr. Justice *Powell*, where she was found Guilty of *Felony* and *Witchcraft*, and receiv'd Sentence of Death for the same, *March 4. 1711-12.*

Witchcraft farther display'd. Containing, I. An Account of the *Witchcraft* practic'd by *Jane Wenham* of *Walkerne*, in *Hertsfordshire*, since her Condemnation, upon the Bodies of *Anne Thorn* and *Anne Street*, and the Deplorable Condition in which they still remain. II. An Answer to the most general Objections against the Being and Power of *Witches*: With some Remarks upon the Case of *Jane Wenham* in particular, and on Mr. Justice *Powell's* Procedure therein. To which are added the Tryals of *Florence Newton*, a Famous *Irish* witch, at the Assizes held at *Cork*, Anno 1661; as also of Two *Witches* at the Assizes held at *Bury St. Edmonds* in *Suffolk*, Anno 1661, before Sir *Matthew Hale*, (then Lord Chief Baron of the *Exchequer*) who were found Guilty and Executed.

The *Impossibility* of *Witchcraft*, plainly proving from *Scripture* and *Reason* that there never was a *Witch*; and that it is both Irrational and Impious to believe there ever was. In which the Depositions against *Jane Wenham*, lately Try'd and Condemn'd for a *Witch* at *Hertsford*, are Confuted and Expos'd.

16 JY 60

All Sold by E. Curll, at the Dial and Bible against St. Dunstan's Church in Fleetstreet; and J. Baker, at the Black Boy in Pater-Noster-Row. Price 6 d. each.

K. with preceding

S I G H S

O F

E U R O P E, &c.

GIVE me leave, Sir, to tell you my Thoughts on the Q — S — to h — P — on the 6th. (17th) of June last? With my usual freedom, and as briefly as may be. Those things in it which are plainly express'd deserve some Remarks, but those which seem to be naturally imply'd will bear many more.

There is a surprizing Change in the Posture of Affairs. Formerly when G — B — acted on all occasions, in entire Concert with Her Allies, Parliamentary Speeches were as full and comprehensive as could be wish'd, there was nothing in them mysterious, and every Man might easily comprehend the Meaning of the Expression, which made Persons of all Ranks the eagerer to see them, and to take the greater Satisfaction in the Perusal, as always expecting to find in them some new Overture for the Advancement of the Common Cause.

What a Harvest of Honour and Glory did the English Nation reap in those Times! No Year pass'd

but her Troops in Conjunction with those of Her Allies, and under the Command of the Great Chief, the Queen had put at their Head, either gain'd some signal Victory, or made some important Conquest.

We Foreigners now look for *Great Britain* in *Great Britain* and can scarce believe we have found it. The State, indeed, is the same; but the Spirit, and the Conduct have a different Aspect. - Other Measures and Maxims have Succeeded in the Place of former Counsels; and we cannot but be apprehensive, that, unless Providence prevent it, her former Allies may have the Dissatisfaction of seeing her Enemies become her Friends.

'Tis true, we are still in Alliance with *Great Britain*: But what is become of that Mutual Confidence, and Communication, which that Sacred Tie exacts? Look back, SIR, I beseech you into what has pass'd within a Twelve-month, especially as to the Negotiations of Peace; and Judge, what our Opinion must be of it.

You know the Engagement the Allies are under by the Treaty of the Year, 1701, the Words are these, *Neutri Partium Fas sit, Bello semel suscepto, de pace cum hoste tractare, nisi conjunctim, & communicatis consiliis*; that is, *the War being once begun, it shall not be Lawful for either Party to treat of Peace with the Enemy, unless it be in Concert and by joint Counsels*. Nevertheless was not a private Negotiation enter'd upon the last Year, without the least Privy or Participation of the Allies, and with so much Secrecy, that the same was in great Forwardness, before they could discover there was any on Foot? Were not Ministers sent to *France*, and others from the Most Christian King receiv'd, entertain'd and treated with? After several Conferences and a Discussion of all Points which we had no Hand in, were not certain *Preliminary Articles* agreed on, and deliver'd to the Ministers of the Allies, as a Basis, or Introduction to a General Negotiation? Is this Treating in Concert, and by joint Counsels?

I pass over the extraordinary Method in which the Invitation to the Congress at *Utrecht* was made, because the Emperor and the States General have not insisted on the Form; they sent their Ministers thither; the other

other Allies follow'd their Example; those of *France* came; they gave in their Proposals, which were Answer'd by other Proposals. All this is sufficient to warrant the Legality of a Congress, tho' in other Respects, never so irregular. Thus we have here a Place, and a General Assembly settled; where the Treaty must be carried on; but, is it so in good Earnest? No sooner is this Congress so much wish'd for, and insisted on, form'd; but it seems to us to be neglected and the former Separate and Secret Methods of Negotiation to be resum'd, unknown to the other Allies.

Can you or any Man contradict what I say? Is it not matter of Fact that the Specifick and common Demands of the High Allies were deliver'd to the Plenipotentiaries of *France* on the 5th. of *March* last? That since that Time, no manner of Answer could be got from them? That in the mean time, Secret and Private Negotiations have been carried on with the King their Master? That these Negotiations were never Communicated to the Allies? And that, to this very 7th. of *July* N. S. they pretended they knew no more of them, than what is found in Her Majesty's Speech to the Parliament on the 6th. (17th.) past?

If this be so, we cannot but think, it will look strange to Posterity, that in a General Congress, settled to treat of Peace, and after four Months Expectation, the Allies should not have the Answer the Enemy was to make to their Demands, till they found it in Her Majesty's Speech to the Parliament.

But let us examine that Speech, since there we are to be inform'd of what is design'd for the rest of *Europe* by the Secret Negotiations between the Two Crowns, which hitherto, have not thought fit to declare their Intentions otherwise.

The first thing we look for in it, is the Cession and Evacuation of *Spain* and the *West Indies* by the Duke of *Anjou*, into the Hands of the Emperor; and instead of that, we find in it his Renunciation to the Crown of *France*, and a Regulation of the Order, which shall hereafter be observ'd in the Succession to the said Crown. A Thing, it is my private Opinion, none of the Allies ever thought of, demanded, or de-

fired, and the Question will be, whether that can procure the Repose, or Safety of *Europe*. Her Majesty declares :

I. That *France* at last is brought to offer, that the Duke of *Anjou* shall, for himself, and his Descendants, renounce for ever all Claim to the Crown of *France*,

II. That as to *Spain* and the *Indies*, the Succession to those Dominions, after the Duke of *Anjou* and his Children, is to descend to such Prince as shall be agreed upon at the Treaty, for ever excluding the rest of the House of *Bourbon*.

III. That *France* offers to make the *Rhine* the Barrier of the Empire; to yield *Brisac*, the Fort of *Rehl* and *Landau*; and to raze all the Fortresses, both on the other side of the *Rhine*, and in that River. And that as to the Protestant Interest in *Germany*, there will be, on the Part of *France*, no Objection to the Resettling thereof on the Foot of the Treaty of *Westphalia*.

IV. That the *Spanish Low Countries* may go to His Imperial Majesty; the Kingdoms of *Naples* and *Sardinia*, the Duchy of *Milan*, and the Places belonging to *Spain* on the Coast of *Tuscany*, may likewise be yielded by the Treaty of Peace to the Emperor. And as to the Kingdom of *Sicily*, tho' there remains no Dispute concerning the Cession of it by the Duke of *Anjou*, yet the Disposition thereof is not yet determined.

V. That the Interests of the *States General*, with Respect to Commerce, are agreed to, as they have been demanded by their own Ministers, with the Exception only of some very few Species of Merchandise, and the entire Barrier, as demanded by the States in 1709, from *France*, except Two or Three Places at most.

VI. That the Demands of *Portugal* depending on the Disposition of *Spain*, and that Article having been long in Dispute, it has not yet been possible to make any considerable Progress therein; but Her Majesty's Plenipotentiaries will now have an Opportunity to assist that King in his Pretensions.

VII. That those of the King of *Prussia* are such as Her Majesty hopes will admit of little Difficulty on the Part of *France*; and that her Endeavors shall not be wanting to procure all she is able to so good an Ally.

VIII. That the Differences between the Barrier demanded for the Duke of *Savoy* in 1709, and the Offers now made by *France*, is very inconsiderable: But that Prince having so signally distinguished himself in the Service of the common Cause, Her Majesty is endeavouring to procure for him still further Advantages.

IX. That *France* has consented that the Elector *Palatine* shall continue his present Rank among the Electors, and remain in Possession of the Upper *Palatinate*.

X. That the Electoral Dignity is likewise acknowledged in the House of *Hanover*.

XI. That the assuring of the Protestant Succession as by Law establish'd, in the House of *Hanover* to Great Britain being what Her Majesty has nearest at Heart: Particular Care is taken, not only to have that acknowledged in the strongest Terms, but to have an additional Security, by the Removal of that Person out of the Dominions of *France*, who has pretended to disturb this Settlement.

XII. That the whole Island of *St. Christophers* shall be absolutely yielded to the *English*; that the whole Bay and Streights of *Hudson* shall be restor'd to them; and that the Island of *Newfoundland* with *Placentia* shall be deliver'd up to them, together with an absolute Cession of *Annapolis*, and of the rest of *Nova Scotia*, or *Acadia*. And that over and above all these, their *Mediterranean* Trade, and *British* Interest and Influence in those Parts will be secured by the Possession of *Gibraltar* and *Port Mahon*, with the whole Island of *Minorca*, which are offer'd to be left in Her Majesty's Hands.

XIII. That a Treaty of Commerce between Great Britain and *France* has been enter'd upon; but that it is impossible to finish this Work so soon as were

to be desired; That Care is however taken to establish a Method of settling this Matter; and in the mean Time Provision is made, that the same Privileges and Advantages as shall be granted to any other Nation by *France*, shall be granted in like manner to the *English*.

XIV. That the Trade to *Spain*, and to the *West Indies*, may in general be settled, as it was in the Time of the late King of *Spain*, *Charles II.* and a particular Provision be made, that all Advantages, Rights, or Privileges, which have been granted, or which may hereafter be granted, by *Spain*, to any other Nation, shall be, in like manner, granted to the Subjects of *Great Britain*.

XV. But that the Part which the *English* have born in the Prosecution of this War, intitling them to some Distinction in the Terms of Peace, Her Majesty has insisted and obtain'd, that the *Assiento*, or Contract for Furnishing the *Spanish West Indies* with Negroes shall be made with the *English* for the Term of Thirty Years, in the same manner as it has been enjoy'd by the *French* for Ten Years past.

Here are Fifteen Articles, a moderate Discussion of which might take up as many Memorials or Treatises of a tolerable length; But Brevity is commendable in all sorts of Writings, especially in a Letter; and I am oblig'd, for more than one Reason, to be as short as possible in this.

It is observable, That in Communicating to the Parliament the Conditions on which it is intended to make Peace with *France*, There is no Mention of the PRINCIPAL, which is the Yielding to the Duke of *Anjou* *Spain* and the *West Indies*; it being thought sufficient to suppose it as understood, and even to lay it down as the Foundation of the whole Scheme. It is, however, Notorious, That the Common and Main Design, in the present War, was, not only to wrest from the Hands of *France* the *Netherlands*, the Dutchy of *Milan*, and the Kingdom of *Naples*, but also *Spain* and the *West Indies*; It is our Opinion, That the General Interest of *Europe* requires it. That

Justice

Justice supports this Demand; and that the Safety of the Dominions of *Great Britain*, as well as of Our Provinces depends upon it.

I am not ignorant, That according to the Sentiments of a Party, which daily gathers Strength, all the rest of *Europe* is stark Blind, and knows nothing of its own Interests; That whatever has been said, written, and asserted, for these Fifty Years past, about the Succession to the *Spanish* Monarchy, are mere Chimeras; And that the Publick Tranquillity and Liberty will be no less Secure if *Spain* and the *West Indies* be left in the House of *Bourbon*, than if they were restored to the House of *Austria*. But who shall be convinc'd of this besides those Persons, who sit their Judgment to their Inclinations?

If the Design of Preserving *Spain* and the *West Indies* in the House of *Austria* were a new Project, never heard of before in *England*, the Partition now propos'd to us would appear less Surprising. But who knows not, that since the Peace of *Breda*, or rather since *France* has declared her Pretensions, the PRESERVATION of *Spain* and the *West Indies* is become a Fundamental Principle and Maxim of Union, and COMMON CAUSE among the *Allies*? 'Tis true that in Consideration of Peace, and because the Case appear'd to be very Remote, the Triple Alliance left the Question undecided; But nevertheless it was agreed by the Separate Articles, That in Case the most Christian King should persist in his Resolution to carry his Victorious Arms into the Netherlands, or that, by other Shifts or Artifices, he should endeavour to hinder or elude the Conclusion of the Peace, *England* and the United Provinces should be oblig'd to side with *Spain*, and to make War with their United Forces, both by Sea and Land, to force her to a Peace, not only on the Conditions before-mention'd, but, if it be thought fit and convenient, and God shall prosper the Arms taken for that Purpose, the War shall be continued till things are restored to the same Condition they were in at the Time of the *Pyrenean Treaty*.

The

10 The Danger appearing Greater, and Nearer at the Time of the Grand Alliance concluded at Vienna on the 12th of May 1689, between the late Emperor Leopold and the States General, with the Accession of the King of England, it was agreed by the Separate Article, That, *Casu quo modernus Hispaniarum Rex à Vita decederet, non relictis legitimis Descendentibus, quem Casum clementer Deus avertere velit, se Casream Majestatem ejusque heredes ad Successionem ejusdem Domini legitimè Competentem in Monarchiam Hispanicam, et ejus Regna, Provincias, Ditiones, et Jura earundem adipiscendam et asserendam, quibus etiam Possessionem contra Gallos ejusque adhaerentes qui se huic Successioni directè vel indirectè opponere vellet, Omnibus Viribus adjuturos & in Contrarium attentantium Vim Vi repulsuros*: That is, ' That in Case the present King of Spain should die without leaving lawful Issue, which God in his Mercy forbid, they will, with all their Forces, assist his Imperial Majesty and his Heirs, in obtaining and maintaining the lawful Succession of the said Lord to the Spanish Monarchy, with all the Kingdoms, Provinces, Lordships, and Rights thereunto belonging; as also the Possession thereof against the French and their Adherents, who may oppose the said Succession, directly, or indirectly; and that they will repell Force by Force, in case any Attempts be made to the contrary.

The French King having found Means to disarm, and by the Peace of Ryswick to divide the Allies, the latter were soon sensible of the Fault they had committed; and the Power of France appear'd so Exorbitant, that they thought themselves under a Necessity of consenting to a Treaty of Partition. However, the Parliament of England did not approve that Treaty; being of Opinion, that the very same Motives upon which it was made, ought rather to hinder the making of it; and that 'twas better to hazard all, than to consent to such Accession of Power to the Common Enemy. Upon this Foundation they attack'd the four Lords who had either advised the late King to the said Treaty, or by his Orders, Negotiated the same. The House of Commons, by an Address of the 23d of April 1701 desir'd his

his Majesty to remove from his Councils, John Lord Somers, Edward Earl of Orford, and Charles Lord Hallifax, as also William Earl of Portland, who, said they, *Transacted those Treaties so unjust in their own Nature, and so fatal in their Consequences to England, and the Peace of Europe.* At the same time, the Commons impeach'd them of *High Crimes and Misdemeanors*; and no Body knows where this Prosecution, which was began and carried on with great Heat, would have ended, if the Differences that arose between the two Houses about their Privileges, had not put a stop to it.

Be pleas'd SJR, to take Notice, that at that time the French King was in the Height of his Power. He was already possess'd of all Spain; His Arms bore all down, without Countroul in Italy; he kept our Troops Prisoners in the Low Countries; and press'd hard upon us in the very Heart of our State. If at that time, and at so puzzling a Juncture, the House of Commons judg'd a Partition of the Monarchy of Spain to be *unjust in its own Nature, and fatal in its Consequences to England and the Peace of Europe*; What Notion may be entertain'd of it at this time, when, by God's Blessing, we are in a Condition as we suppose to wrest that whole Monarchy from the Hands of the Enemy? And when, humanly speaking, nothing but the Division of the Allies can hinder our Success? If they, who advis'd that Partition deserv'd then to be Prosecuted for *High Crimes and Misdemeanors*; what Judgment can now be made of those, who not only advise it, but seem to endeavour to impose on the Allies the fatal Necessity of submitting to it?

The House of Lords shew'd more Moderation than the Commons in the Prosecution of the four Impeach'd Lords; yet they declared by their Address to the King of the 14th of the same Month, that they were of Opinion, that no Peace could be safe and lasting unless the entire Monarchy of Spain were restor'd to the House of Austria: And thereupon desir'd his Majesty to enter into such an Alliance with the Emperor, as his Majesty should think convenient, pursuant to the Intent of the Treaty.

Treaty of 1689, assuring his Majesty that they would heartily and effectually assist him therein.

Upon THIS PRINCIPLE, the present War was begun, and with the SAME VIEW it has been constantly carried on without Interruption, both on the Part of *England* and this State; which I can prove, and will do it presently, by the Queen's Speeches to Her Parliament, and by the Addresses of both Houses annually presented to Her Majesty from the Year 1702 to the Year 1711.

But what stronger Proof can I produce in this Matter, than the very Negotiations with the Enemy? You know that in the Conferences of the Year 1709 the Marquis de Torcy and the President Rouille offer'd themselves the Evacuation of Spain; and that the same was afterwards agreed on and stipulated by the third, fourth, and sixth of the famous Preliminary Articles of the 28th of May in the same Year. And here you may observe, that when the most Christian King broke off that Negotiation, he did not complain of any Hardship in being oblig'd to acknowledge all Right to the Monarchy of Spain to be in the Person of K. Char. and not to send any Succours to the Duke of Anjou his Grandson, but only of having no longer time than two Months allow'd to recal him, and withdraw his Troops from Spain. Nay, he declar'd, by the Answer, which on the 7th of November following, was deliver'd by the Marquis de Torcy to Monsieur Perikun, That the greatest Difficulty consisted in the 34th Article, *it being impossible for the King to execute it, even altho his Majesty should sign the same; that therefore, without entering upon the Observations that might be made on the Expressions and Form of the other Articles, in suppressing the Form of the said Articles, the King would preserve the Substance thereof.*

The first Article of the Project of Peace offer'd by France on the 2d. of January 1710. N. S. is, in that Respect of the same Nature and Tenour; Here it is Verbatim; As for Spain; an Authentick Promise, on the King's part, to acknowledge, immediately after the signing of the Peace, the Archduke Charles of Austria, in Quality of King of Spain, and, in general, of all the Territories

ritories depending on that Monarchy, as well in the Old
 ' as New World; excepting only, the States and Coun-
 ' tries, which the King of *Portugal* and the Duke of *Sa-*
 ' voy have, by their Treaties concluded with the Empe-
 ' ror and his Allies, agreed to dismember; and excepting
 ' also the Places, which the Archduke has engaged to leave
 ' to the States-General of the United Provinces of the
 ' Netherlands.

' A like Promise, not only to withdraw all the Succors
 ' his Majesty has been able to give the King his Grand-
 ' son, but also not to send him for the future any Affi-
 ' stance, to maintain himself upon the Throne, of what
 ' kind soever, directly or indirectly.

' And for a Pledge of the Performance of this Promise,
 ' his Majesty is willing to entrust the States-General
 ' with Four of his Places in *Flanders*, which he shall choose
 ' to be deliver'd into their Hands, and to be by them
 ' kept, till the Affairs of *Spain* are terminated; as Ho-
 ' stages and Security of the Word which he shall give
 ' them, not to concern himself, directly or indirectly, with
 ' the Affairs of that Monarchy.

' He will likewise promise to forbid his Subjects, under
 ' severe Penalties to list among the Troops of his Catho-
 ' lick Majesty; obliging himself to have such a strick, Re-
 ' gard to the Observation of such his Prohibition, that
 ' none shall act contrary thereto.

' His Majesty is pleas'd also to consent, that neither the
 ' Monarchy of *Spain*, nor any Part of it, shall ever be
 ' united to the Monarchy of *France*; and that no Prince,
 ' of the House of *France*, may either reign, or acquire any
 ' thing in the Extent of the Monarchy of *Spain*, by any
 ' of the Methods, which shall be all specify'd.

' The *Spanish Indies* shall be comprehended in all that
 ' shall be said with respect to the Monarchy of *Spain*, as
 ' making a principal Part thereof; and the King will pro-
 ' mise, that no Vessel of his Subjects shall go to the said
 ' *Indies*, either to traffick, or under any other Pre-
 ' tence.

' 'Twas upon this Foundation that the Conferences of
 ' *Gertruydenburg* were afterwards set on Foot; and altho'
 ' by an Artifice against which the Allies were unguarded,
 ' the Ministers of *France* found the Secret of making the
 ' Proposal

Proposal of some *Dismembering* hearken'd unto, yet they never durst to insinuate the Leaving the Duke of *Anjou* in Possession of *Spain*; and they were dismiss'd without departing in the least from the Principal and IMMUTABLE FOUNDATION of all the preceeding Negotiations, to wit, the entire and absolute Restitution of the Monarchy of *Spain* to the House of *Austria*.

The Un sincere way of Proceeding of the French was very much resented in *England*, and the Queen spoke her thoughts of it in full Parliament, on the 15th. of November 1709. in such a manner as sufficiently shew'd her Indignation. In the Beginning of this Year, said her Majesty, our Enemies made use of all their Artifices to amuse us with false Appearances, and artful Insinuations of their Desire of Peace, in Hopes that from thence, means might be found to create some Divisions or Jealousies among the Allies: But they were entirely Disappointed in their Expectations, and such Measures were taken upon that Occasion, as made it impossible for them long to disguise their insincerity, &c.

The next Year, in the Month of December, 1710. Her Majesty open'd the Session of Parliament in the same Disposition: I shall, said She, recommend to you what is absolutely Necessary for our common Safety. The Carrying on the War in all its Parts, but particularly in *Spain*, with the utmost Vigor, is the likeliest means, with God's Blessing, to procure a safe and Honourable Peace for us, and all our Allies, whose Support and Interest I have truly at Heart, &c.

I know not what may have embarras'd our Affairs, and rais'd the Spirits of our Enemies, since that Time: We push'd them last year, in *Savoy*, as far as *Fort Bymreux*; we finish'd the Campaign in *Catalonia*, by the glorious Raising the Siege of *Cardona*, and the Defeating of the Enemies Troops; we kept them in *Germany* as Unactive and benumm'd as if they had been Struck with *Medeſa's* Head; and in the *Netherlands*, we took *Bouchain* in the Sight of their whole Army, and under their very Canon, after having penetrated into their Lines without the Loss of one Man. The Election and Coronation of the Emperor, succeeded according to our Wishes; *Hungary* is pacified; and no ill Accident has yet befallen us. We have begun the Campaign

paign in the *Netherlands* with as great Superiority as the preceding Years. The indifferent Success of the Enterprize against the Magazines of *Arras*, and the Possession of the *Senset*, has not hindered us from taking Post on the other side of the *Scheld*; and the beginning of the Campaign might have been Signaliz'd by the Defeat of the *French Army*, and attended by the taking of *Arras* and *Cambrai*, had not the Forces been separated. Our Worst was the taking of *Quesnoy* in 13 days of open Trenches, and at the time I have the honour to write to you, the Enemy tremble for *Landau* and *Maastricht*. Now I wou'd fain know, what Reasons there may be for leaving *Spain* and the *West-Indies* in the Hands of the Duke of *Anjou*; and depriving us of the Fruits of so many Victories? Is there not some PRIVATE INTEREST, some LURKING DESIGN, some Secret of State, which 'tis thought important to keep from our Knowledge?

Give me leave, SIR, to set before you a POLITICAL PROBLEM, and to ask you this Question, which of the two is to be the RULE we ought to go by, either the Opinion of the Queen and Her Parliaments from the Year 1702 to the Year 1711, or that which you have taken up since the Year 1711, and seem still to entertain?

You now will have us raise the *French Monarchy* on the Ruins of that of *Spain*; to which we answer, with the very words of the Queen in several of her Speeches, That no safe and honourable Peace can be made for us, or our Allies till the whole Monarchy of *Spain* be restor'd to the House of *Austria*. Are we to blame for having the same Thoughts which the Queen and her Parliament had for Ten Years together? For believing what they believ'd? For following their Maxims? And for adhering to them with Constancy and Firmness?

If at this time you have any Reasons for changing the Opinion and Views you have entertain'd so many Years, pray be so kind as to communicate them to us, that we may examine them. If the same are in Common with you and all the Allies, we shall readily acquiesce in them; you may depend upon it: But if they be

be PRIVATE MOTIVES, and INCONSISTENT with the COMMON INTEREST, you cannot take it ill if we persist to endeavour to persuade you to pursue Counsels more Honourable, and more Consonant to your Engagements.

I have dwelt longer than I thought on the Article of yielding *Spain and the West Indies* to the Duke of *Anjou*, nor could I do otherwise: For altho' it be not express'd in the Queen's Speech it is however, implicitly contain'd therein, and supposes it as a main Foundation. I come now to the Examination of the Articles which Her Majesty has thought fit to mention in that Speech, according to the Order in which I have ranged them before.

As to the First,

The Apprehension, says her Majesty, that *Spain and the West Indies* might be united to France, was the chief Inducement to begin this War; and the effectual preventing of such an Union, was the Principle I laid down at the Commencement of this Treaty. Former Examples, and the late Negotiations, sufficiently shew how difficult it is to find means to accomplish this Work. Nothing is more certain than this Assertion: The bare Possibility of such an Union cast all Europe into Fears during the Negotiation of the Marriage of *Lewis XIII* with the Infanta *Mary Anne*; and *Spain*, whose Interest it was, more than of any other State, to hinder it, took such Measures as she thought necessary for that Purpose.

It was stipulated by the Contract of Marriage concluded at *Madrid* the 22d of *August 1612*, ' That all
' the Children and Descendants from the same, whether Male or Female, First Born, Second, or more
' Remote, in what Degree soever, should for ever be
' excluded from all Right of Succession to the Crown
' of *Spain*, or any of the States thereunto belonging,
' altho' they should alledge, and might alledge and pretend
that the Reasons of Publick Interest, or other Considerations upon which this Exclusion may be founded, could not take Place in Respect to their Persons, and ought not to be regarded. — And that their Majesties Meaning and Intention was that this conditional Contract should have the

the Force and Vigour of a Law in their respective Dominions.

The Infanta's Renunciation follow'd three Years after, and was sign'd at *Burgos* the 15th of *October* 1615.

Three Years after that, the same was Enacted into a Law of the Kingdom in the *Cortes*, or States of *Castile*, held in the Year 1618.

Which Law was publish'd at *Madrid* on the third of *June* 1619. and is to be found in the Second Volume of *Nueva Recopilacion Lib. 5. Tit. 7. Leg. 12.* But because it may happen that you have not the Book by you; and I do not remember that I ever saw it quoted in any of the Treatises that have been written on this Matter, I send it you here. See the Appendix, Enclos'd, at length.

The same Precautions were taken at the Marriage of *Lewis XIV.* with the Infanta *Maria Theresa*, Daughter to King *Philip IV.*

The Contract of Marriage signed in the Isle of *Pheasants* on the Seventh of *November* 1659, contains the same Stipulations and Renunciations that were inserted in that of *Lewis XIII.* with the Infanta *Mary Anne.*

Besides which they are Corroborated and Confirm'd by the Treaty of Peace signed the same Day, the 33d Article whereof imports, That also it be separate, it shall have the same Force and Vigor as the present Treaty of Peace, as being the principal Part thereof, and the most valuable Pledge for its greater Security and Duration.

Which Treaty, with the Contract of Marriage was ratified at *Thoulouse* the 24th of *November* 1659.

The Infanta's particular and special Renunciation follow'd on the 2d of *June* 1660, with this Oath. I Solemnly Swear, said She, by the Gospels contain'd in this Mass-Book, on which I lay my Right Hand, that I shall Keep, Maintain, and Perform the same in all its Points, and in all Places; and that I shall not demand a Dispensation from this Oath of our Holy Father, nor of the Holy Apostolick See, nor of his Legate, nor of any other Dignity that might grant me the same, &c.

The like, and even more Solemn Oath was taken by the Most Christian King, personally on the Sixth of the same Month of June 1660. These are the Words of the Form of the Oath, of which we have an Extract in the *History of the French Monarchy, in the Reign of Lewis XIV. Tom. II. pag 442 of the Paris Edition in Octavo, Printed for Cardin. Bofogue. The Two Kings swore, and Cardinal Mazarin held the Book of the Gospels on which they laid their Hands. On the Cross, the Holy Gospels, and the Canon of the Holy Mass, on which he laid his Hands.*

After which followed the usual, Enrollings or Registerings.

In the Parliament of Paris on the 27th of July 1660.

At the Court of Aids, in open Court, the 4th of August.

And in the Chamber of Accounts, or Exchequer, the 7th of the same Month and Year.

All these Precautions, the most Solemn, the most Binding, and the most Sacred that Men can either devise, or practise, did not, however, hinder the most Christian King from declaring in the Year 1666, *That he look'd upon the RENUNCIATION as an ACT OF NO FORCE*; nor from taking up Arms in the Year 1667 for the Maintenance, of the Pretensions which he thought were already devolv'd to the Queen his Consort; nor, at last, from seizing the whole Monarchy of Spain after the Death of King Charles II.

It is therefore most certain, *That former Examples, and the late Negotiations, sufficiently shew, how difficult it is to find lawful Means effectual in themselves, to oppose the Violent Desire which the French have to unite the Crown of Spain to their own.*

Things being incontestably so, how comes it to pass, *That the Duke of Anjou's Renunciation to the Crown of France, is now proposed to us, as a Solid Expedition whereby France and Spain will be more effectually divided than ever? Is it because it is offer'd, That they shall be ratify'd in the most Strong and Solemn Manner, both in France and Spain? We have just now instanc'd in Two of the same Nature, ratified in the same Man-*

ner;

ner; Enrolled in all the Courts of Judicature; inserted, Word by Word, in a famous Treaty of Peace; Enacted as a Law in Both Kingdoms; and in short, confirm'd by the Sacredness of a Solemn Oath; Which notwithstanding all this, were *violated and infringed* not many Years after they were made. What Reason can induce any one to believe, That this RENUNCIATION shall be better observ'd than all the former? These Two Kingdoms, we are told, as well as all the other Powers engaged in the present War, shall be Guarantees to the same: By those Two Kingdoms, we must undoubtedly understand France and Spain, for there can be no Equivocation in the Case, But in what Form will those two Kingdoms give us that Guaranty? Will it be by Registrings in Supreme Courts of Justice, and by Enacting the Duke of Anjou's Renunciation into a perpetual and irrevocable Law? The very same thing was done with respect to the Infanta Maria Theresa, and over and above that, the Two Kings took a Solemn Oath in Confirmation of that Renunciation; which, nevertheless, was of no Effect: And we are now *actually in War* because the French will shew no Regard to it.

Besides, when the Duke of Anjou is once gone over to France, and has taken upon him the Government, what shall become of the Guaranty of the Two Kingdoms, and to whom shall we make Application to demand it? Can it ever enter our Thoughts, that at the Prospect of that Prince's designing to annex the Crown of Spain to that of France, the French Nation shall be so far provoked as immediately to take up Arms to prevent that Misfortune? And as for the Spaniards, can it be imagin'd, That they should stake off the Indolence in which they have lived so long, and make War against their King, merely to hinder him from becoming also King of France?

Their King? Say you, that's an improper Expression — He should be no longer their King, if he should break the Renunciation. I understand you: — Your Meaning is; That the same will be made a Condition *sine qua non*, in the ensuing Treaty of Peace, and

and that he shall be obliged to make choice of either of the Two Crowns. Well! if that be so, to what Purpose this *New Renunciation*, I pray? Does not King *Charles II's* Will and Testament, which is all the Title he claims, contain the same Condition? Does it not oblige him to make the same Choice? 'Twill therefore be sufficient to confirm it by the Treaty; and if need be, to corroborate it by Private Acts, which the the Most Christian King and the Duke of *Anjou* shall give, either Jointly or Separately. Such an Act would be more specious and plausible than a plain and absolute *Renunciation*; which Formality is by this Time so worn out, that every Body sees through it.

The Q-ⁿ it seems, has been given to understand, that in *France* the Persons to whom that Succession is to belong, will be ready and powerful enough to vindicate their own Right: As for *Ready*, I believe it: Men are always ready enough to take upon them the Weight of a Crown; but as for *Powerful enough*, it may be Matter of Doubt; and for my Part, I cannot see how those Persons should come by that Power that is ascrib'd to them. They have neither Dominions, Subjects, Soldiers, nor Money to raise Armies; and, methinks, 'tis in these Things that the Power of Princes consists. I know some Ministers have beforehand answer'd this Objection, by saying, That *tho'* they be not powerful, yet they are beloved, and in great Credit and Esteem, and that the one is as good as *another*. Above all they cry up the great Valour of the Duke of *Orleans*, his Numerous Friends, and his firm Resolution to maintain his Right, if the Case happen; upon which Topick we are told a great many fine Things. But, certainly, a Man must be a great Stranger to *France*, to believe, That when the Succession to the Crown comes to be in Question, the Duke of *Orleans*, then Nephew to the late deceased King, may be supported by any considerable Party, against a Prince his Grand Son, or Great Grand Son; and that the *French* Nation may, in his Favour, be dispos'd to prefer in him the *Collateral* before the *Direct Line*. Those Persons therefore would be obliged to have

Recourse

Recourse to the Powers engaged in the present War, and to sue to them for Support, so that we should become the Guarantees of those who ought to be Ours.

A moderate insight into the Constitution of France may suffice to inform me, how little it favours the Renunciation of the Males. The Civilian *Aubery*, famous for his Writings on the Rights of the Crown of *France*, carries things so far as to assert, that a King cannot validly renounce the Crown, and that his Subjects, on the other Hand, cannot Exclude him from it, upon any Account whatever. He maintains, that the necessary Union of the Head with the other Parts, and the Fundamental Maxims of the State do not allow, upon any Account or Pretence whatsoever, either the Subjects or Princes to make a Divorce, and Separate one from the other. The second Race of our Kings, adds he, affords us an instance of it in the Person of *Lewis the Debonair*. Some factious Prelates being corrupted either by the Bribes or Promises of *Lutair* his Eldest Son, and Abusing his easie Nature, made him, by their feign'd and interested Remonstrances, conceive so great a Horror for his past Offences, that he readily submitted to whatever they were pleas'd to impose upon him. — He ungirded himself of his Sword, and renounc'd, in the most Solemn manner that could be, the Sovereignty and Right which were inherent in him by Birth. The French who, above all other Nations, affect PASSIVE (or as the French has it BLIND) OBEDIENCE to their Princes, Signaliz'd on this Occasion their LOYALTY by their DISOBEDIENCE, or at least by the Courageous Resistance with which they oppos'd the Execution of an Act so prejudicial to the Monarchy. They thought they could not acquiesce to that RENUNCIATION injurious to the Royal Character, without involving themselves in Guilt, in Authorizing by so imprudent a Submission, so DETESTABLE A CRIME. The whole State bearing a Part in the Injury that had been offer'd to the Head, felt Extraordinary Commotions and Distractions, and like a Ship toss'd in a Storm, which impatiently expects the Return of the first Star (the Sun) it could not recover its former Tranquility, till the lawful Sovereign appear'd at St. Demy's

with the *Regalia*, and all the Pomp that ought to attend Majesty. There are even those who heighten the Nobleness and Splendor of this Action by a Miracle, assuring us, that it not only restored Quiet in the Country, but also Calmness and Serenity in the Air, &c. See *Aubery's Droits du Roy sur l' Empire Lib. 1 Chap. 2.*

King Francis I. upon his Return from Spain, had also a mind to Abdicate the Crown in favour of Francis the Dauphin, his Eldest Son, upon a surmise that that Prince might with better Grace than himself, rescind the Treaty of *Madrid*. He even caus'd an Edict to be made for that Purpose, which was read in Parliament; but adds the same *Aubery*, Chap. 3. that Assembly would not so much as deliberate upon an Edict so manifestly contrary to the Fundamental Laws and Constitution of the State; but contented themselves to Order, that an Answer should be return'd to the King's Remonstrances, and that at the same Time it should be represented to him, that he neither was, nor in any manner could be bound by the Treaty of *Madrid*.

From these two Instances, which relate only to a PERSONAL ABDICATION, one may draw the Premises of an Argument *à Fortiori*, and conclude from thence, that if, according to the Constitution of the Kingdom, a King of *France* cannot renounce the Crown for himself, much less can he do it for his Sons, or Grandsons that are living, and Under-Age. And indeed this last Assertion is now so generally and so unanimously acknowledg'd in *France*, that I don't believe there is one Man that dissents from it. They look upon the Crown there, as a Perpetual Trust, the keeping of which is Entail'd, and transmitted from Eldest Son to Eldest Son by Representation; nor can the Acts or Contracts of the One ever Prejudice or foreclose the Right of the Other. If Entails, (says *Aubery*, in the same Treatise, Book I. Chap. 3.) were introduc'd by the Laws to preserve the most Illustrious and most Powerful Families in their Splendor, it must not seem strange, that, at all times they were in Force, to maintain Monarchies in their first and most flourishing Condition. The Crown and Scepter were ever look'd upon as a Real and Sacred trust, which Princes ought to leave entire to their Successors, and of which they

they cannot in any manner Dispose. And the Rigor of this General Law is the more supportable, in that it favors those very Persons, whose Power it seems to restrain.

The long Manifesto publish'd in the Year, 1667. with the Title of *A Treatise concerning the Rights of the most Christian Queen*, is yet more express in the matter, nor can I forbear quoting some Passages out of it, because having been drawn up and Publish'd by the King's Order, the Contents of it ought to be look'd upon, as His Majesty's Declar'd and Avow'd Sentiments in the Matter of RENUNCIATIONS, and as a standing Explanation of the Laws and Constitution of the Kingdom. All things unite, says that Treatise pag. 138. to Combat and oppose those sort of Renunciations. They are inconsistent and incompatible with Nature, for Kingdoms not devolving to the Next in Blood by Inheritance, but by Birth Right, none can Renounce them by any Act or Deed whatsoever, because Birth-Right is the Right of Nature, inseparable from the Person, inalienable and not to be yielded either by Renunciation or any other way. Justice opposes it likewise, because the Succession to Kingdoms, is a Right altogether publick, which in particular concerns the Subjects, God not having given Crowns to Kings for the sake of themselves, but rather for the Governing and Ordering of the People, who cannot be without a Head; so that private Contracts being never allow'd against what concerns the Publick Right, nothing can be more Invalid or Null, by all these Laws, than such Renunciations. Nor can they stand with Religion neither, since the Right of the Crown and Scepter is not like those Venal Possessions that are traded with, and are Subject to all the Vicissitudes occasion'd by the Interest and inconstancy of Private Men; but a kind of Priesthood, Vocation, and Sacred Mission, which forms a Spiritual, Conjugal and Indissoluble Tie of the Prince or Princess with his or her State; and which like a precious Particle of the Deity, which did flow from Heaven to the Earth, for ever preserves the immutableness of its Principle, having no other Sphere of Activity than that of Heaven, where the Hand of God has fix'd it; that is, the Person in which he has fasten'd that Sovereignty which is a Part of himself.

As it is foreign to my present Purpose to Combate the French Doctrine in the Matter of *Renunciations* to Crowns, I leave all that pompous Nonsense untouch'd, without troubling my self either with Confuting it, or drawing such Inferences as naturally Result from it, against the Duke of *Anjou*.

My Design was only to shew what this Doctrine is, and methinks you ought to be contented with the Proofs I have already produc'd about it. However, here is another which may serve as a *Corollary* to the rest, and which besides has something peculiar to its self, since it shews, that in the Case of *Renunciations* the French hold it for a Maxim, that an Oath is invalid, and no ways Obligatory. I shall quote the same Author. After these Considerations, says he, it is almost needless to Answer the Objection of the OATH which was exacted from their most Christian Majesties, under colour of which it is maintain'd, that altho' the *Renunciations* and *Ratifications* were null, nevertheless having Sworn that they would execute the same, their Religion is thereby engaged, and cannot be dispens'd with: For who but knows, that one of the first Maxims of the Canon Law is, that an Oath is not a Tie of Iniquity, which may exact the Performance of an unjust thing. It is the Minister of Truth, not of its contrary, and is never Subservient to a Surprise. It would be a strange Disorder indeed, if the Conventions of Men were no longer measured by the essential Principles of Law and Reason, but by the FOREIGN and ACCIDENTAL Clause of an OATH, of which Dishonesty would never fail to make a Sanctuary against the Authority of the Laws. Therefore the most pious Emperors among the Ancients were the first that condemn'd all those VAIN SCRUPLES, by which Injustice got above all Rules, when they destroy'd the Validity of an Oath in unjust things. The Ancient Civil Law is full of the like Decisions, &c.

Things being thus, how was it possible, that the Ministers of France made no Difficulty to propose to the Queen of Great Britain, the Duke of *Anjou's Renunciation*, as a sufficient Means to remove the just Apprehensions we have of a future Union of the two Crowns? How came it to pass, that so clear Sighted a Princess could

could think to find in it a Security for effectually preventing such an Union; and that on the contrary, she has not perceiv'd, that instead of preventing it, it will rather encrease and bring nearer the Danger of; by securing the Crown of Spain to a Prince, who may, this Day or to Morrow become King of France?

If the Fear of this Union was a sufficient Reason for us to take up Arms, at a time when the Duke and Dutchess of Burgundy were Alive, Young and Healthy, and seem'd to promise a numerous Issue to France, what Counsels ought we to pursue now, when, that Fear being abundantly justify'd by the DEATH of THREE DAUPHINS in less than one Year, we see nothing between the Duke of Anjou and the Crown of France, but a Child two Years Old, of so tender a Constitution, so Weak, and so Sickly, that the French themselves despair of ever seeing him reach a Marriageable Age.

But let us suppose, That the Duke of Anjou, being a more Religious Observer of this, than he was of his Grand-Mothers Renunciation, should refuse the Crown of France, when the Succession happens to be open in his Favour, and be willing to content himself with that of Spain, would the two Princes his Sons do the same? Is it not incontestably true, that they have actually an Inherent Right to it by their Birth, which his Renunciation cannot prejudice or cancell?

I'd fain ask the Ministers of France, what they think themselves of this Renunciation, and whether they look upon it as Valid, or Invalid? If they answer it is Valid from that Moment we look upon it as useless to us; That of Queen Maria Theresa does our Business;— It puts an End to all our Disputes, and the Monarchy of Spain must be restor'd to the House of Austria. If they own that 'tis not valid, why is it offer'd to us as if it were so? To us, I say, who neither Demanded, nor Desir'd it? Is this way of proceeding Consonant to good Faith? Can this be said, to promise, with a firm Resolution to perform? Under what Name are such sort of Deeds known in the Law of Nations, the Common Law, and the Civil Law? But there's no need to wait for any Body's Answer in such a clear Case. The Law of France, does not in this Respect, differ from

from the Law of other Nations ; But preserves to all the Successors to the Crown, in what Degree soever they be, the Right that to them belongs by Birth ; and suffers not the Fathers, Grand Fathers, or Uncles, to exclude from it, under what Pretence soever, their Children, Grand Children, or Nephews already born. We have in this matter the Instance of *Charles VI.* who in Favour of *Henry* — King of *England*, disinherited the Dauphin his Son ; and that of *Charles VII.* who went about to prefer *Charles* before *Lewis XI.* his Elder Brother, but could not Succeed in it. We have also the unanimous Sense and Opinion of all who have written about this Matter. It is held for an inviolable Maxim, says Councillor *Charles le Bretain* in his Treatise of the King's Sovereignty, Lib. 1. Cap. 4. That the Kings themselves cannot disinherit their Eldest Sons, nor these that ought to succeed them, the Crown being theirs by Birth-right, and by Right of Inheritance, as was decided in behalf of the Dauphin *Charles*, when his Father *Charles VI.* cut him off of the Succession to the Kingdom. The President *Foucher* treating of the Royal Succession in his Original * of the Dignities and Magistrates of France, Book 1. Chap. 3. says also ; That the Right of Succession is so inherent in the Eldest Son of the House of France, that his Grand-son excludes the Uncle, that the Blessing of Primogeniture (or First-Born) may remain as long as possible in the direct Line, and that the Descendants of the Eldest Serve not their Fathers younger Brother ; as it should happen if the Uncle excluded the Nephew. The Councillor *Peter de Lommeau* is of the same Opinion in his Treatise of the Royal Rights. Chap. 6. By the Law, says he, and general Custom of France, observ'd in the Kingdom since its first Settlement, the Crown of France devolves to the next Male of the Royal Blood, who seizes the Kingdom and takes Possession thereof immediately upon the Decease of the last King, so that the Kingdom of France falls to the eldest Son alone. — The eldest Son is the Son first born and begot by the King altho' he was born before his Father was King ; for he ever excludes as eldest Son, the younger Sons born since the Kingship

* Origens des Dignitez & Magistrats de France.

Kingship of the Father — *Likewise the eldest Son's Son succeeds to the Crown, to the exclusion of the Uncles, and the King dying without Issue, the Descendant of the first in Eldership, altho' he be the youngest, and remote by fifty Degrees, succeeds to the Kingdom. He adds, That the Kings of France are not Heirs to the Crown; and that the Succession of the Kingdom of France, is neither Hereditary nor Paternal, but Statutory; so that the Kings of France are barely Successors to the Crown by Verue of the Law and general Custom of France.* — Pray, apply these Rules and Maxims to the two Princes, Sons of the Duke of Anjou, in Case their Father should for himself and them renounce the Crown of France, in Favour of the Duke of Berry, or the Duke of Orleans, on whose Genius some People seem to depend so much, and draw your self the Consequence, with Respect to the Security which some pretend it will be to us, for preventing the Union of France and Spain.

But here an Objection occurs that must not be left unanswer'd: Some, perhaps, will say, That the Duke of Anjou, by his perpetual Settlement in Spain, and the Princes his Sons, by being born out of the Kingdom, would be *Aliens*, and as such incapable of succeeding to the Crown of France, unless they had been Capacitated thereto by the most Christian King's Letters Patent of the Month of December 1700, and Register'd in Parliament the first of February 1701 N. S. To which purpose all the common Places of the Laws about *Aliens* may be instanc'd in, and fortify'd by the Example of Henry Duke of Anjou, who according to Du Puy, having been chosen King of Poland, receiv'd the like Letters Patent from King Charles IX. bearing Date the 10th of December, 1573. and verified in Parliament the 17th of the same Month, whereby Charles so cut off all manner of Occasion of Division that might be grounded on their, and their Childrens Absence, and their Residence in a foreign Country, according to the Laws of the Kingdom, declared, that in case he should die without Issue Male, his said Brother the King of Poland, as nearest in Blood to the Crown, should be the True and Lawful Heir thereto, notwithstanding his being then absent

See his Works
in the Memo-
rial about A-
liens

absent

absent, and residing out of the Kingdom; and that in Default of the said King of Poland, his Male Heirs, born in Lawful Marriage, should come to the Succession, notwithstanding their being born and residing out of the Kingdom. And in Default of the said Heirs, then the Duke of Alençon his other Brother, and after him his Male Heirs, notwithstanding their being absent and dwelling out of the Kingdom, &c. From whence it may be inferr'd, That the Renunciation which the French now offer us would have a double Force, in that it should put again the Duke of Anjou and his Children in their Condition of *Aliens*, out of which they were drawn by the King's Letters Patent only; so that instead of having a Claim to the Crown, by the Law of the Kingdom, they should stand excluded by that very Law. — But to this I answer:

First, That the Right of *Escheat*, or of Succession to the Estate of an *Alien*, is odious, new, and introduced into France, about Two or Three Hundred Years ago, with no other View than to Enrich the King's Treasury, at the Expence of Foreigners. It was unknown before the Reign of King Charles VIII; It is not founded upon any Law; neither is the use of it yet well fix'd or determin'd.

Secondly, it does not appear, That that Right whatever it be, can exclude them from the Crown, to whom it devolves by Proximity of Blood. If it did, it would, in that Respect, render their Condition worse than that of Ambassadors, who are exempted from it by their Employments, as well as the *Hollanders* and *Switzers* by their Treaties. Nor is there any Instance of any lawful Successor to the Crown, his being excluded upon that Score; but on the contrary, we have the Example of Henry IV. who being King of *Navarre*, Son to a King of *Navarre*, and Born at *Pau*, his Mother * being also of *Navarre*, came to the Crown of France, without having any Letters of Naturalization or any thing like. Among all

* I mark this Circumstance, because according to Peter de Lommeau, in his Royal Rights, chap. xvi. wherein he treats about *Aliens*, Partus Sequitur Ventrem.

all the Obstacles and Difficulties which the *League* raised against him, they only objected his Religion, and never his being an *Alien*. 'Tis certain likewise, that the being an *Alien* was never objected against *Edward III.* King of *England*, in his Controversy with *Philip of Valois* for the Succession to the Crown of *France*, but only the Salick Law whereby he was excluded from it, since he had no Title but by his Mother. As for the Letters Patent of *Charles IX.* I never had a sight of them; the Extract that I gave of them before being taken *Verbatim* out of *Du Puy's Memorial*. If we had the Original Deed, we might perhaps, find in it some Expressions that would not favour the *Right of Escheat* against *Aliens*; And I am the more enclin'd to believe it, because the same *Charles IX.* acknowledges in his Letters Patent bearing Date the Thirtieth of *May 1574*, for the Administration of the Kingdom, That if he happen'd to die without Male Heirs, the King of *Poland* his most Dear and Well-beloved Brother is call'd to the Succession of this Crown, by the Laws observ'd in this Kingdom. You will find these Letters Patent at length, in *Papliniere's History of France*, Book 37. As for these of *Lewis XIV.* they are so far from proving any Thing against the Duke of *Anjou* and his Issue, as if the perpetual Settlement of the One, and the Birth of the Others out of the Kingdom made them *Aliens*, that, in my Opinion, one may infer the Contrary. We should think, * says the present King of *France*, speaking of the Duke of *Anjou* his Grand-Son: We should deem it a *WRONG* done him, of which we are incapable, and an irreparable *PREFUDICE* to our Kingdom, if henceforward we should look upon that Prince as a Stranger, whom we grant to the Unanimous Demand of the *Spanish Nation*. For these Causes, &c. it is our Will and Pleasure, that our most Dear, and most Beloved Grand-Son, the King of *Spain*, ever PRESERVE his Birth-Right, in the same Manner as if he made his actual Residence in our Kingdom: Thus our most Dear and most Beloved only Son the Dauphin being the true and lawful Successor

* See the Appendix.

Successor and Heir to our Crown, and Dominions, and after him our most Dear and most Beloved Grand-Son the Duke of Burgundy, if it should happen, which God forbid, that our said Grand Son the Duke of Burgundy should die without Issue Male, or that his Children, born in lawful Marriage, should die before him, or that the said Male Issue leave behind them no Male Children born in lawful Marriage; in such a Case our said Grand-son the King of Spain, by Virtue of his Birth-Right, shall be the True and Lawful Successor to our Crown and Dominions, notwithstanding his being then absent, and residing out of our said Kingdom; and immediately after his Decease, his Male Heirs begotten in Lawful Marriage, shall come to the said Succession, notwithstanding their being born, and residing out of our said Kingdom; it being our Pleasure that for the Causes abovementioned, our said Grand-son the King of Spain, and his Male Issue be not deem'd and reputed less capable and able to come to the said Succession, or others that may devolve to them in our said Kingdom. Now, in my Opinion, these Letters Patent are couch'd in such a Manner, That the King's Intention seems to have been, not to restore to the Duke of Anjou a Right he had lost, but only to preserve for him safe and entire those he had still, according to which Meaning the said Letters Patent ought to be look'd upon only as a bare Precaution at Law *ad Conservandum*, to preserve; and not as our efficient and necessary Deed *ad Habilitandum*, to Capacitate.

Thirdly, It is true that this Clause, having, for that purpose, so far forth as need is, or shall be, capacitated and dispensed with them, as we capacitate, and dispense with them, by these said Presents, seems more agreeable to a Deed of *Habilitation*, than to a Deed of *Conservation*; but all that can be fairly inferr'd from it is, That the Case is doubtful. Now, where there is Room for Doubt, there's Room also for Setting up a Claim; and if there be Room for a Claim, all the Securities of the Allies against the future Union of the Two Crowns vanishes out of Sight, and the Danger they fear'd still remains the same.

Fourthly,

Fourthly, Take it which way you please, 'tis incontestably certain, That the most Christian King's Letters Patent have either *restor'd* or *preserv'd* to the Duke of *Anjou* the same Right of Succession to the Crown of *France*, which belong'd to him before he went into *Spain*; and that thereby his Sons are actually in Possession of the same Right, as effectually as if they were born, and resident in the Kingdom of *France*. Now, we have before evinc'd, That the *Renunciation* in what Form soever it be conceived, cannot Prejudice their Rights; from whence it follows, That with respect to them, it would be null and void, and would bring no Security to us.

Fifthly, If it be true, which no Body can doubt of, that the Letters Patent of the most Christian King, did fully either *restore* to, or *maintain* the Duke of *Anjou* in his Rights of Succession, so that nothing can be a further Let or Hindrance to him, except only the Renunciation he may make, it follows that the Right of *Escheat* against the Succession of *Aliens*, is in this Matter of no Consideration, so that we cannot draw from it any SHADOW of SECURITY.

As to the Second ARTICLE.

About Spain and the West-Indies being left in the Hands of the Duke of Anjou.

It appears to me that the Principal View of those that drew up this Article, was thereby to procure the Repose and Safety of *Europe*; which Design is certainly very Commendable: But yet it has rais'd in me a Scruple, which I will propose to you, by way of Problem, *viz.*

If it is thought, or believ'd, That the Offer'd *Renunciation* being made, a Prince of the House of *Bourbon* can at present, without any Danger for the Liberty of *Europe*, fill the Throne of *Spain* and the *West Indies*, and that by that Means *France* and *Spain* will be more effectually divided than ever; of what use can be to us the Precaution which is taken by this Article, to exclude for ever, for the future, the rest of that same House?

Et

Et Contra.

If it be true, That *Spain* can never devolve to any Prince of the House of *Bourbon*, without endangering the Liberty of *Europe*, notwithstanding any Renunciation whatsoever; why is *Spain* now given to a Prince of that House, who, next the Dauphin, is Presumptive Heir to the Crown of *France*?

If Her Majesty's Speech does not mention the Successor which the Author of this Project defin'd for the Crown of *Spain*, in case the Duke of *Anjou's* Line come to fail; and I shall not enquire here who he may be. It seems nevertheless that this *Mental Reservation* was not altogether without Design. It may flatter the Ambition of more than one Prince among the Allies, and at the same Time, create and foment Division between them. But 'twould be impious to their Wi'dom to believe, That they will be affected by so distant Hopes, the Effect of which would entirely depend on the Will, Disinterestedness, and BONA FIDE of *France*.

*As to the Third ARTICLE,
About the Barrier of the Empire.*

This Article, express'd in other Terms, imports, That *Strasburgh*, *Hunningen*, *New Brisac*, the Imperial Towns, and all that *France* has usurp'd in *Alsace*, must be left to that Crown; contrary to the Peace of *Munster*, restored and laid down as a Foundation in the Third Article of the Treaty of *Ryswick*: That is, *France* must remain possess'd of the True Barrier of the Empire, to enable Her, *First*, To shut up the Duke of *Lorraine* within his Territories, as it were in a Prison; *Secondly*, To keep the Electorates of the *Rhine* in perpetual Awe and Dependance; *Thirdly*, To penetrate, whenever she shall think fit, into the Heart of *Germany*. *Strasburg*, on the one side, opens a direct Road to *Spire*, *Wormes*, *Mentz*, and from thence into the Dutchy of *Berg*, and Bishoprick of *Munster*; And, on the other side, it leads directly into the Country of *Baden*, the Country of *Wirtemberg*, *Suabia*, and *Bavaria*, as far as the *Danube*, by the Favour of which River one

one may reach *Vienna*. For all which, what happen'd in the War of Thirty Years, and in the Years 1688, 1689, 1703, and 1704. will be my Vouchers. History will inform you of the former, and as for the latter Events they are so fresh in our Memories, that sure they cannot yet have escaped Yours. It is but too true that there are People in *England* who are altogether unconcern'd as to the Affairs of *Germany*; but 'tis no less true, on the other Hand, that Her *Britannick* Majesty is under Engagements that will not suffer her to look upon them with Indifference. Pray, cast your Eyes on the Eighth and Ninth Articles of the Association of *Nordlingen*; concluded on the 22d. of *March* 1702; accepted and ratified by Her *Britannick* Majesty on the 26th of *June* in the same Year. In this Convention the Circles stipulate, *Ut, inter alia, preprimis etiam Redintegrationis superiorum Imperii Circularum mediante Restitutione tot ab iis avulsoarum Commembrorum, Civitatum, Terrarumque in pristinum Statum & Jura quo ante avulsionem ab Imperio gavisunt, Cura Ratioque habeatur, nullumque mediorum ad eam obtinendam conducentium omittatur: proptereaque separatos inire Tractatus fas non sit, sed ut de pace conjunctim tractetur, eaque non aliter nisi obtenta prius in quantum possibile Redintegratione supra memoratorum Circularum, & donec ad minimum securitati associatorum Circularum omni meliori quo fieri potest & tutiori quam hactenus modo satis superque prospectum fuerit concludatur*; That is, ' That Care be taken, among other Things, and in the first Place, that the Upper ' Circles of the Empire, be restor'd to their former State ' and Rights, and to the Members, Cities, and Territories theretofore thereunto belonging; and that no ' means conducing thereto be omitted; That therefore ' it shall not be Lawful to enter into any SEPERATE ' TREATIES, but that the Peace shall be Treated ' JOINTLY; tho' not before the Restitution of the Premises, as far as possible, be first obtain'd, and, at least, ' not till the Safety of the said Associated Circles be better provided for, and secured, than hitherto? All which Conditions were agreed to and approved by the Queen of Great Britain, with a Promise, upon the Royal

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Faith,

Faith, religiously and inviolably to observe the same: In *Verbo Regio promittentes*, these are the very Words of the Ratification, *Nos omnia & singula quæ in Conditionibus prædictis Continentur, Sancte Observare & præstare velle, neque pati, quantum in vobis est, ut a quopiam violentur, aut ullo modo iisdem contraveniantur.*

These Engagements deserve the more serious Regard, in that the Associated Circles especially those of *Suabia* and *Franconia*, and in particular the Brave Duke of *Wurtemberg*, have born, on that side, the heaviest Burden of the War, and have always generously stood in the Gap, in order to stop the Enemies Enterprizes. So that we cannot, without Ingratitude, forget their Concerns in a Treaty of Peace, who have so well deserv'd of the Common Cause during the War. Don't tell me, that I speak here according to the Interest of *Holland*: I know there is a particular and indispensable Relation between our Security and that of the Empire, and that the one cannot Subsist without the other; But I know likewise that you are concern'd in that Security almost as much as we, tho' not so directly. Your Repose depends on that of *Europe*; and it is impossible *Europe* should enjoy Peace, while *France* shall Domineer and commit Hostilities in *Germany*, and lay wast the Territories of our best Friends and Allies, the Circles of the Upper and Lower *Rhine*, *Franconia*, *Suabia*, and *Westphalia*.

As to the Fourth ARTICLE.

About the Emperors share of the Spanish Monarchy; and the Reserve relating to Sicily.

At the sight of the small share which in this Article is design'd for the Emperor, one can hardly forbear to put these Questions:

First, *Whether the Emperor cannot with Justice claim more?*

Secondly, *Whether the Queen of Great Britain's Engagements with Her Allies go no farther?*

Thirdly, *And whether the Interest of the Common Cause is thereby effectually secured?*

First

First Question.

The First Question is not difficult to be resolv'd: So many Writings have already proved and demonstrated his Imperial Majesty's Title to the Whole Monarchy of *Spain*, without Exception, that no Man, who is not altogether a Stranger to the Affairs of *Europe*, can be ignorant of it, or call it in Question. Nevertheless, since the Occasion seems to require it, I shall explain it here in few Words. And because the best Arguments in this Matter are such as are founded on the Right of the Blood. I have taken Care to draw a *Genealogical Table*, or Pedigree, of all the Persons that Descend from *Philip II.* and who, upon that Account, can, or might one Day, claim that Succession; They are placed therein according to the Order and Rank that Nature gives them.

By this Table which I send you here * encl's'd, you will see, that after the Death of *Charles II.* King of *Spain*, *Maria Theresa* the eldest Infanta, was the next Successor, and after her, those that descended from her in this Order, 1. *Lewis Dauphin*; 2. *Lewis Duke of Burgundy*; 3. *N. Duke of Anjou* the present Dauphin; 4. *Philip Duke of Anjou*; 5. *N. — Pretended Prince of Asturias*; 6. *N. — Pretended Infanta of Spain*; and in the last Place, *N. — Duke of Berry*; But that all these stand excluded by the Renunciation of *Maria Theresa* their Mother, Grand Mother, and Great Grand Mother.

You will likewise observe, that by the Exclusion of *Maria Theresa* and her Issue, the right of Succession devolv'd to *Margarita Theresa* the younger Infanta, and from her to *Maria Antonietta Arch-Duchess*, who might have transmitted it to *Joseph Ferdinand*, Elector Prince of *Bavaria* her Son, if the Renunciation she made at her Marriage had not hinder'd it.

This second Line being thus excluded, and extinct besides, by the Decease of *Joseph Ferdinand*, in the

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* See the Appendix.

Year 1699, the Right of Succession devolves to the Infanta *Anne*, eldest Daughter of *Philip III.* and in default of her, by Representation to all her Issue and Descendants in this Order, 1. *Lewis XIV.* King of *France*; 2. *Lewis* Dauphin his Son; 3. *Lewis* Duke of *Burgundy*; 4. N — Duke of *Anjou*, now Dauphin; 5. *Philip* Duke of *Anjou*; 6. N — pretended Prince of *Asturias*; 7. N — pretended Infante of *Spain*; 8. N — Duke of *Berry*; 9. *Philip* of *France*; 10. *Philip* Duke of *Orleans*; 11. *Lewis* Duke of *Chartres*; 12. *Charlotte* *Egla* *Mademoiselle de Valois*; 13. N. *Mademoiselle de Montpensier*; *Anne* of *Orleans* Dutchess of *Savoy*; 15. *Philip Joseph* Prince of *Piedmont*; 16. N. Duke of *Aosta*; 17. *Maria Adeleida* Dutchess of *Burgundy*; 18. *Maria Louisa* Dutchess of *Anjou*. But all these Persons being likewise excluded by the *Renunciation* of the Infanta *Anna*, from whom they descend, all the Right of Succession naturally and necessarily devolves to *MARIA* second Daughter of *Philip III.* and to those of her Line, who are *Leopold I.* Emperor; 2. *Joseph* King of the *Romans* his Eldest Son, and late Emperor; 3. *Charles* Arch-Duke his second Son, the present Emperor. But here we find two *Renunciations* one of *Leopold*, the other of *Joseph*, both in favour of *Charles*, who therefore, even in their Life time, receiv'd and enjoy'd all the Right to the Monarchy of *Spain*.

As for the Line of the Infanta *Catharina*, the same Genealogical Table shews, that her Turn in the Succession comes next after the Line of *Maria*, and that the Right thereof directly devolves to the present DUKE of *SAVOY*, and his Issue Male; for as to his Daughters they have likewise renounc'd; then successively, and by Degrees to the particular Lines 1 of *Emanuel Philibert*, Prince of *Carignan*; 2 of *Eugene Maurice* Count of *Soissons*; 3 of *Louisa Christina* Princess of *Baden*; 4 of *Mary de Gonzague* Dutchess of *Rethelois*; 5 of *Leonora de Gonzague*, Empress; 6 and in the last Place of *Isabella* of *Savoy*, Dutchess of *Modena*.

This Gradation is so Congruous to Order, that I dare say no Man will offer to contradict it: To which if you add the lawful and necessary Exclusion of all the Princesses

Princesses that have renounc'd, his Imperial Majesty's Title to the whole Monarchy of Spain, will be clearly and incontestably establish'd. Having mention'd before those *Renunciations*, and distinctly mark'd all the Dates thereof, it were needless to specify them anew. It will undoubtedly, be more to the purpose, and this is the last thing that remains to be done, to examine the *Exceptions* and *Reasons of Restitution*, by which the French endeavour to invalidate those *Renunciations*.

Those *Exceptions* are of divers Kinds:

They pretend,

1. That the Infanta Maria Theresa was a Minor, or under Age, when she renounc'd.

2. That she was aggriev'd in her *Renunciation*.

3. That one cannot renounce a Crown.

4. That if the *Renunciation* bound the Infanta, it did not, however bind her Issue. And

5. That the Will and Testament of Charles II. has decided the Question, by calling the Duke of Anjou to the Crown.

First EXCEPTION: That the Infanta Maria Theresa was a Minor when she renounc'd.

Altho' this Exception takes up 12 or 13 Pages in the Treatise of the Rights of the most Christian Queen, it may yet be refuted in as few Words as I have used in setting it forth. In order to that, it will suffice to mention the Terms of the *Renunciation* it self, wherein the Infanta speaks thus: *Whereas I am Major, being of 20 Years of Age, and so has pleas'd our Lord to give me Capacity and Discretion to understand and apprehend the Substance and Purport of the said Articles, of which I am certain and foreapprized, having often inquired into the same, and into their Conveniency, during the space of six Months since the same were concluded and publish'd: By which it appears beyond Contradiction, that that Princess was not a Minor either in Age, or Judgment. The Defect of Minority might more plausibly have been objected to the Infanta Anna, Consort of Lewis XIII. who*

was but 12 Years old when she renounc'd; the two Kings acknowledg'd in the Contract of Marriage, that at that Age she should be capable of making a Renunciation. The Reason which some + Doctors alledge for it is, that if a Virgin is capable to marry, she's capable likewise to consent to the Contracts and Conventions of her Marriage: But there's yet a Stronger; for the Law will have it so. I mean the Law call'd *de las Partidas* which in Spain is a Fundamental Law, first establish'd by King *Alphonfus*, surnamed the Wise, and since publish'd and ratify'd by King *Ferdinand* and Queen *Isabella*. It provides that the Kings shall be Majors at 20 Years of Age, and the Queens as soon as they are married. 'Tis in Part. 2. Tit. 15. Leg. 3, where speaking of the Persons to whom the Regency is to be committed during the Minority, it says; *E que lo tengan en Paz e en Justicia, fasta que el Rey faga de edad de 20 Anos, e si fuere faja, la que oviere de eredar, fasta que faga casada*: That is, that they keep the Kingdom in Peace and Justice till the King has reach'd the Age of 20, and if a Daughter is to succeed, till she is married. Now according to this Law, the Infanta *Maria Theresa* was doubly a Major, for she was both married, and above 20 Years of Age, being born on the 20th of September 1638.

Second EXCEPTION. Thus she was aggriev'd in her Renunciation.

To clear this Point, it is necessary to observe, That the Infanta *Maria Theresa* made two different Renunciations, of which there are also two distinct Deeds. By one of these, which you will find here enclos'd, and mark'd D. she renounc'd the Paternal and Maternal Domestick Estate, for the Portion or Dowry of 50000 Crowns of Gold, which was bestow'd on her by the King her Father. By the other, likewise hereto subjoin'd, and mark'd E. she renounc'd the Crown of Spain,

+ A Dialogue on the Rites of the most Christian Queen, p. 220. *Annus Robert Lib. 2. Argentre ad Art 15. Cl. 4 N. 10.*

Spain, and all the Kingdoms, States, Provinces, Territories, and Seignories thereunto belonging, upon the Prospect and in Consideration of her Marriage. These two Renunciations are no ways dependent one upon the other; and are as essentially distinct from one another by the subject Matter thereof, as by the Deeds that contain the same; But the French were two Cunning to distinguish them; for they would thereby have overthrown what they endeavour'd to prove by means of the pretended Grievance they find to them: *Grievance* (in French *Lezion*) signifies a Wrong done and suffer'd; but there are two sorts of Wrongs, viz. one *Real* the other *Personal*, one which proceeds from the Value of Things, the other from the Malice of Persons. The first, is generally accounted all off of above half the value, which one of the Contracting Parties suffers, against his or her Intention, in the Contract he or she makes. According to this, the French have made a great Noise about the real Disproportion between a Portion of 500000 Crowns of Gold, and the whole Monarchy of Spain. But this Disproportion disappears, when one takes Notice that in the Deed of the Renunciation to the Crown, the Dowry is not so much as mention'd; and that in the other Deed, the Portion appears to be only in Consideration of the Domestick and Patrimonial Estate, which might fall to the Infanta by Right of Inheritance, or otherwise. The Terms are so clear, that they admit of no Ambiguity. I am certain, says the Infanta, foreappriest and inform'd, to my entire Satisfaction of the Substance and Purport of these Articles. I acknowledge, and have acknowledg'd, that from the future Succession of the King my Lord, and from the Inheritance of the most Serene Queen my Mother, there could in Rigour fall or belong to me, for my Inheritance and Portion, the said Sum of 500000 Crowns of the Son, and altho' it might belong to me, it is a very competent Dowry, and the greatest that has hitherto been given to any Infanta of Spain. 'Tis plain therefore that the Crown of Spain is neither mention'd nor meant in this Renunciation, but only the Domestick and Patrimonial Estate, which might devolve to any Infanta by Inheritance, seperately and

and independently from the Right to the Crown. Whether the Infanta was *aggriev'd* in that Renunciation, is not our present Business to examine; She declares her self, that she was *certain, forapprized, and inform'd of the contrary to her entire Satisfaction*; and methinks one ought to take her Word for it. Besides, if there was about it any matter of Dispute, the same was determin'd to the Satisfaction of the most Christian King, by the Treaty of *Aix la Chapelle*, by which he was left in Possession of so many fine Countries.

As for the Renunciation to the Crown contain'd in the Deed mark'd E. there are a hundred Reasons for placing it among Contracts purely free, in which Case there's no valuable Consideration, or Compensation to be expected therein, since these Contracts do not admit of it, nor consequently of any *Grievance* either of half, or above half the Value. The End of this Renunciation was infinitely more Noble than that of a Compensation of Interests, and it is sufficiently express'd in the Contract of Marriage, but much better still in the Renunciation it self, which is here annex'd, and to which I refer you.

By that Piece it appears that the Common Good, Glory and Advantage of the two Kingdoms, the private Interest of both Families, and above all the publick Good of all Christendom, were the Motives that induc'd the Infanta to make this *Renunciation*: She weigh'd the Importance and Consequence of it *during six Months*, and after Mature Deliberation, she resolv'd to make a plain and free Renunciation, without reserving to her self any sort of Advantage or Profit: Being contented with the inward Satisfaction she felt upon the Prospect of the great † Good which might thereby accrue to her dear Country, the two Kingdoms, and even all Christendom.

† If it be true, as the Treatise of the Rights of the most Christian Queen has it, That the Perfection of a Contract consists in his Conformity with the Law, nothing can be more perfect. For on the one Hand it is founded on the Law of Exclusion

I have already observ'd, that if the *Renunciation* was *Free*, there could be no *Grievance* in the *Matter*; but some may object, that there's none in the *Manner*? Was there no *Fraud* or *Deceit*? And did King Philip use no *Violence* to oblige the *Infanta* to do what he desir'd of her? The *French*, indeed, pretend it: For thus they speak of that *Matter* in the *Treatise of the Rights of the most Christian Queen*, p. 71. Did the *Token of Paternal Authority* together with that of *Royal Power*, the just *Passion* she had conceiv'd for so illustrious an *Alliance*, her *Age*, her *Quality*, her *Education*, her want of *Experience*, and profound *Ignorance* of her own *Interest*, leave her sufficient *Light*, *Force*, *Constancy* and *Resolution*, to resist the *King* her *Father*, and all the *Policy* of *Spain*, who no longer look'd upon her as an *Infanta* of the *Kingdom*, but as a *Queen* of *France* whose *Rights* they design'd to alter? He kept her *Eyes* shut to hinder her from seeing so many *Crowns* and *Scepters* which they would have her renounce, and her *Will* being a *Captive* to the *Interest* of *Castile*, she could not have spoken one *Word* about her *Rights*, but she had before her *Eyes*, a *King*, a *Father*, and a *Guardian*, that silent'd her, and kept her under the *Token of Absolute Authority*. It is common enough, particularly in *France*, for *Lawyers* who defend a bad *Cause*, to have *Recourse* to *Declamation* and *Bombast*, but I never saw any thing of that kind so *Nonsensical* and *Preposterous* as this is. Would not one be apt to imagine at the *Reading* of that *Paragraph* that the *Infanta* was *Queen* of several *Kingdoms*, but under *Age* and *Simple*, and that by her *Renunciation* she divested herself of all her *Dominions* to invest King Philip her *Father* with the same? This is the only *Idea*

Exclusion, made in the *States*, or *Cortes* of *Castile*, in the Year 1618, and on the other its motives are the same as are all'dg'd in the *Ancient* and *Fundamental Law* of the *Kingdom*, for regulating the *Succession*, which says: *Los buenos Sabios e entendidos casando el pro comunal de todos, — tuvieron por derecho que, &c.* That is, *Wise and Sensible Men*, who have the *common Good* in View — did account it just, that, &c. About which see the *Law* it self.

Idea which that Article, as it is artfully Couch'd can raise in the Minds of those that are not better inform'd : And yet the Thing was quite contrary. King Philip was sole Master and Possessor of those Crowns and Scepters therein mention'd ; The Infanta had neither Dominions nor Principalities ; And she was of Age, and Endow'd with as much Wit, Wisdom, and Judgment as can be desired in a Great Princess. Moreover what consideration could have induc'd King Philip to impose upon his Daughter, as 'tis pretended he did ? The Renunciation she made neither encreas'd his Dominions, nor his Power : For he did not get so much as an Inch of Ground by it. Pray examine nicely all his Views and Motives, and you'll find that he could not have any other than those the Infanta ought to impose, and did really propose to her self, *viz.* an Advantageous Match ; the Peace between the Two Kingdoms ; the Good of Spain, and, by the same Means, that of all Christendom. And here behold the Force of Truth : The Author of this Declamation owns himself that the Infanta passionately desired so illustrious an Alliance ; and when he represents her *Will as a Captive*, he owns 'twas so to the Interest * of Castile. It follows, therefore from thence that this Renunciation was a political Concern ; that the Publick Good required it ; as not admitting that any Prince of the House of France should ever come to the Crown of Spain. Now what Motive more Noble, more Just, and more Consonant to the Fundamental Law can be expected, either in the King to persuade the Infanta to that Renunciation ? Or in the Infanta to make it ? Was there any need of Fraud, Deceit, or Violence in all this Affair ? If there was Fraud,

* He says also in another Place, where he argues against the Spaniards ; It is therefore the Advantage of the Crown of Castile ; But then 'tis prejudicial to that of France, and one ought not to call that the Common Good of the Two Kingdoms, which is only advantageous to one, and detrimental to the other. p. 99.

Fraud, 'tis certain 'twas not on the side of *Spain*: But I know not how the Court of *France* can be Justify'd, as to that Imputation, when one Considers the Principal Share they had in this Negotiation, their *Promises, Renunciations, Treaties, Oaths, Ratifications*; and when afterwards one sees all these laid aside, and trod under Foot.

This may suffice as to the seeming *Exception*: However, I shall add; That even supposing the *Renunciation* to be *permutative* and not *gratuitus* and *free*, there would be no *Grievance* or *Wrong* in it, either as to the *Infanta*, or her Descendants. The Crown of *France* is not *Inferior* either in Dignity or Power to that of *Spain*; and by Renouncing one she acquired the other; And she could not enjoy them both. Besides, the Hopes she might have of coming to the Crown of *Spain* were very remote and uncertain. The King, her Father, had a Son alive who was the Presumptive Heir to the Crown; He was of Age able still to get others; the *Infanta* could not come to the Succession but in Default of them; and the Event has shewn that the Crown would never have devolv'd to her, since King *Charles II.* as infirm as he was, out-liv'd her many Years. Therefore, all Things consider'd, she only renounc'd a Crown very remote and uncertain, and got one certain and present. So that it cannot be said that herein she suffer'd any Loss, Wrong, or Grievance. To which purpose, Sir, you may consult the Baron of *Isola* in his *Buckler of State and Justice Art. 4. N. 7.* for this is his Position, which he maintains with great Strength of Argument.

Third

* This likewise affords Matter for a *Dilemma* that may be retorted against the Duke of *Arjou*: For either there was a Wrong done in the permutative *Renunciation* of the *Infanta*, or not. If there was none, why did the *French* maintain the contrary so long? Why did they build on it their Claim to the Succession of *Spain*? And if there was a Wrong done, would not the Duke of *Arjou* be likewise aggrieved in the *Renunciation* he offers us? Would not it give him a Right to rescind it?

Third EXCEPTION, *that one cannot renounce a Crown.*

This ought to be understood of *Personal Renunciations*: You have seen before what the *Civilian Aubery*, and the *Treatise of the Rights of the most Christian Queen*, say about that Matter; and here is another remarkable Passage taken out of the latter. The Tie that binds the Royal Posterity to the Scepter, and imposes upon them a natural Obligation to receive it, each in his Turn, according to the Order of Succession, is so strong and so strict, that not one of those who are born in that Order, can withdraw himself from it by his own Authority, nor except himself from Obeying the Constitution of his Country, which calls him to the Office of *Supream Governor*, or *Royal Authority*. The Reason of it is, because the Fundamental Law of the State having form'd a reciprocal and eternal Relation between the Prince and his Descendants on the one Hand, and the Subjects and their Descendants on the other, by a kind of Contract which appoints the Sovereign to Reign, and the People to Obey, neither of the Parties can alone, and when they please, free themselves from so solemn an Engagement, by which they have bestow'd themselves one upon the other, for their mutual Help, p. 129. In these Assertions there is something true, and something false; but, however, this appears, to be the Sense of the French Nation about *Renunciations*. *Grotius* who has treated this Subject with his usual Exactness decides, without hesitating in favour of the Contrary Opinion. *Similis est questio*, says he, *an abdicari possit Regnum, aut Jus Succeedendi in Regnum? Quin pro se quisque abdicare possit non est dubium.* That is, There is a like Question whether a Crown, or the Right of Succession to a Crown, may be *Abdicated*? there's no doubt but any one may *Abdicate* for himself: *Grot. de Jure Belli et Pacis Lib. 2. Cap. 7. §. 26.* I am in this of *Grotius's* Opinion: Tho' methinks there ought to be some Distinction. For there is a great Difference between a Prince who is Simply call'd to the Crown by the Constitution of the Kingdom, according

to a Settled Order, and a Prince who has already accepted it, who has entered upon the Royal Office, and who has been Sworn to it. The latter has contracted an Engagement which the others are not bound by, and as the Advantages are not equal, neither ought the Obligations be so neither. A Prince who is actually King cannot at all Times, and on any Occasion, renounce the Royal Dignity: For the Kingdom ought to assent to his Renunciation; or at least it ought to be made in Time of Peace and Tranquility, so that the State be not deprived of Successors capable to govern; but as for the Princes of the Royal Blood they may renounce whenever they please. They enjoy the Right of Succession as a *Benefit and Advantage*, not as a *Burden*, and 'tis beyond Contradiction that one may at any Time renounce a Benefit, the Law which call'd them to the Crown necessarily supposes their Consents, otherwise they would not be *Free Persons*; and they would be born in a kind of Servitude, which cannot be so much as thought without Absurdities; altho' the Author of the *Treatise concerning the Rights of the most Christian Queen*, has not scrupled to affirm it in express Terms. If there were need of Instances to prove the Right and Validity of Renunciations, there's no Monarchical State but would afford some, and *Spain* more than any other. The Emporor *Charles the Fifth's* Renunciation, against which nothing was ever alleged, is famous among the Renunciations of Kings; and as for those of Princes we have that of *D. James* Eldest Son of *James II.* King of *Aragon*; that of *Alphonso de la Cerda*, Eldest Son of *Ferdinand*, from whom the Dukes of *Medina Celi* are Descended; and that of *Berangaria*, Daughter to *Alphonso 9th* King of *Castile*, and lastly of *Anne of Austria*, Daughter of *Philip III.* King of the whole Monarchy. This last alone may afford an Argument sufficient to stop the Mouths of all *French* Men in this Matter; for if it was Null, as they pretend, at present, why did they say nothing of it, during the Fifty Years that Princesses Liv'd? And if that final time they knew that an Infanta of *Spain* has no Power to Renounce, why did they Court and Treat a Marriage of their King with the Princess *Maria Theresa* upon the same Foot? On whose side now is the *Fraud and Deceit*, the *Spaniards*, or the *French*? After

After all it is plain, that if there be any thing doubtful in the Right of Renunciations, the Question amounts to this, whether the Consent of the State or Kingdom be necessary, or no? The Affirmative may be maintain'd: But however, when once that Consent has been had either expressly or Tacitly, 'tis Absurd to pretend, that the Renouncer can recall what he has done, and claim his first Right as if he never had renounc'd. Now the Law of Castile of the Year 1618, and the Pyrenean Treaty of the Year 1639, contain not only the Consent, but also the *Positive Will* of the State; and therefore this Exception cannot affect the Infanta's Renunciation.

Fourth EXCEPTION, that tho' the Renunciation bound the Infanta, it did not however bind her Issue.

I maintain on the contrary, and more Logically, that the Infanta having by her Renunciation, divested herself of all the Right of Succession, which belong'd to her before, she could not transmit that Right to the Issue she had since, and consequently that the said Right neither could nor can belong to them.

And here occurs the Question, whether the Children of the Kings of Spain succeed to the Crown by Right of Inheritance, or by Right of Blood; by Representation or by Vocation, or Calling? Doctor * *Azevedo*, in *Legem*

6

* *Sunt qui dicunt quod in Fidei-commissi successione Patrem Filius representat; secundum Jaf. conf. 159. Volum. 4. & Oldrad. conf. 34. quantumvis regulare sit, in omnibus dispositionibus aliis quam majoratus filium non representare, neque intrare locum patris, nisi ubi aliud jure statutum reperietur. Ut novissime post hæc tractat. Pelaez in tract. majoratum 1. p. q. 9. n. 21. nisi familia vel propinqui vocentur. Secundum Molinam de Primogeniis lib. 3. c. 6. nu. 44, & 45. In hac tamen ampliacione communis est opinio in contrarium. Imo quod in simplici Fidei-commissio Patrem Filius non representat, neque intrat in locum ejus. Secundum Deci. conf. 1. n. 5. ex Cumano per eum corrupte allegato in conf. 107. cujus ratio est: nam cum in Fidei commissio Testatori, & non ultimo possessori succedatur, L. Cohæredi §. cum filia ff. de*

6 Tit. 3. lib. 2. *Reapitulationis*, holds for the *Vocation*; and you saw just now that the *French* have built upon it their principal Argument in their first Disputes. Others are for the Rights of Inheritance, and their Opinion is supported by the Terms of the Law; but all agree in asserting, That the Crown is a perpetual and inalienable Trust. I shall examine both the Hypothesis, and begin with that of Right of *Vocation*, which offends it self first, and it seems the most difficult.

I agree that, in general, the *Jus Vocationis* does not favour Renunciations; which the Learned *Grotius* has observ'd when he says: *In hereditariis qui Jus à se abdicat, in liberos nihil potest transferre: at in Lineali Successione, patria factum nocere non potest liberis matris, quia simul atque existere ceperunt Jus proprium eis quæsum est ex Lege; sed nec nascituris, quia impedire non potest quæ ad illos quoque suo tempore Jus pertineat ex populi dono.* This is positive; But there is no general Rule without Exception; Hear what follows: *Illud interest inter matres & nascituros, quod nascituris nondum quæsum sit Jus, atque*

de vulga; per consequens non deferitur tale *Fidei commissum* jure hereditario. Id namque dicitur jure hereditario deferri, quod non nisi heredi, jure tali hereditario deferitur. Illud autem à contrario dicitur non jure hereditario deferri, sed jure sanguinis, in quo is, qui heres non est, vel etiam qui heres est, ex sola agnatione, seu cognatione, vel speciali vocatione succedit, secundum Bar. l. ut jurisjurandi §. si liberi ff. de op. lib. relatum & secusum per Molinam in dicto lib. 1. c. 8. nu. 6. Manifeste patet filium in *fidei commissum* non intrare locum patris, utpote, quis communior est opinio, in iis, quæ non jure hereditario deferuntur, filium locum patris non intrare; secundum Deci dicto cons. 1. n. 5. & iterum consilio 299. & 408. & 412. & 417. ubi firmus ab hac non esse discedendum, & tradit Molina ubi supra libro 3. c. 6. n. 40. & Covar. in pract. c. 38. n. 36. per totum. Et ratio rationis est, secundum eundem Deci cons. 79. n. 1. quoniam ubi succeditur jure hereditario consideratur dispositio juris, quæ est quod filius intrat locum patris: sed cum succeditur jure sanguinis, vel specialis vocationis, consideratur affectio Testatoris quam habere videtur ad proximiorum in gradu, & sit filius non intrat patris locum in tali *Fidei commissum*, sed proximior admittitur. In majoratu tamen secundum dictos, filius optime locum patris intrat & representat eum: prout testantur plures, & Didacus Perca, in præfanti col. 335. ubi si cum a seq. & Pelæ in d. tract. majorat. d. 2. q. u. 21 u. 6.

ideo auferri iis possit populi voluntate, si etiam parentes quorum interest Jus ad filios transire, Jus illud remiserint. Jure Belli & Pacis Lib. 2. Cap. 7. §. 26.

By this it appears, That in Royal Successions which devolve to one *Jure Vocationis*, the Renunciations of the Fathers may be valid for their Children yet unborn, if the People be consenting. Now this is the very Case in Question: For there was a Law enacted in 1618. in the *Cortes* or States of the Kingdom, upon the Renunciation of the Infanta Anna, which ratifies the same, and for ever excludes from the Crown of Spain the Princes and Princesses of the House of France. The Renunciation of the Infanta Maria Theresa is conformable to that Law; over and above which, it was inserted *Verbatim* in a Publick Treaty, which is also a perpetual and inviolable Law.

The Distinction *Grotius* makes between the Children Born, and those that shall be Born, is grounded on the essential Difference between Renouncing the Government of the People, and Renouncing the Possession of some Dead Goods, as Lands, Houses, Moveables, &c. This is the Spirit, and Meaning of the Law in the *Nueva Recopilacion*, Tom. 2, Lib. 7. Tit. 4. wherein; speaking of the Offices of Magistracy and Government, it says, That in Case of Renunciation they must be fill'd as if they were become Vacant by Death: *Assi Como tal Officio Vacasse por Muerte*: Which clears their Objection, who pretend that the Infanta could not renounce to the Prejudice of her Children yet unborn. For if by the Law the Renunciation of Offices is look'd upon as a civil Death, the Infanta ought to be accounted Dead in Law, from the very Day she renounc'd; and no more Notice ought to be taken of the Children she had since, than if they never had been born.

But is the Royal Dignity really an * Office? Let the Law Decide this Point also — See how the King speaks

* The Treatise concerning the Rights of the most Christian Queen, says, It is one of the Maxims of the Civil Law, that the Proconsul could not of himself, abdicate the Authority that had been trusted to him; and it is consonant to Reason, that the Prince
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speaks in it: *Liberal se deve mostrar el Rey en oír peticiones y querellas a todos los que a su Corte vinieren a pedir justicia, porque el Rey segun la significacion del nombre se dize Regente o Regidor, y su proprio Officio es hazer juizio y justicia.* That is, The King ought to shew himself generous and ready to receive Petitions, and hear the Complaints of those that come to his Court to demand Justice. For according to the true Meaning of the Word, a King is a Regent or a Magistrate, whose proper OFFICE, is to deal Judgment and Justice: *Recopil Lib. 2. Tit. 2. Ley 1.* See also the other Laws under the same Title, and those under the Title 7. of the Sixth Book, or rather consult every one of them, for there are none in Spain, but what are founded on that Principle.

Let's resume the Question in Hand. The Law is positive, that as to Offices a *Renunciation* ought to be accounted a *civil Death*, and that they ought to be fill'd as if they were Vacant by Death. If therefore the Royal Dignity be an Office, which it has been prov'd to be by another Law, it necessarily follows, that in Case of a *Renunciation* the Throne ought to be fill'd, as if it were Vacant by Death, without any Regard to the Children which the *Renouncer* may have afterwards. To put this Truth in a clearer Light, I shall propose a Case, which did not, but might have come to pass. *Christian Queen* of Sweden having renounc'd the Crown in 1654 and retired to Rome, *Charles Gustavus*, her Cousin German, was advanc'd to the Throne, and that Prince dying in 1660, another *Charles* his Son succeeded him; who was also succeeded in 1697 by his Son King *Charles XII.* now reigning: All which Princes *Queen Christina* has seen and known. Now let us suppose that she had Married after her Renunciation, and had had Children, Pray what Right would her Children have had to the Crown? Would the present King have been oblig'd to yield

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being the Head of his State, he may no more withdraw himself from that Political Body, for which he is form'd, than the Head from the Members of the Natural Body, over which it ought to reign. p. 131. This is a wretched Argument; but yet it proves that the French themselves, amidst their Slavery, believe the Royal Dignity to be an Office.

the Throne * to them? And would his Children brought up in the Purple, have been excluded from it after him? I dont believe any Body will maintain such an Opinion. The Right of Succession to the Royal Office neither stands still nor retrogrades. The Possessor is no sooner divested of it, either by Death or Renunciation, but it devolves to the next Successor living; and 'tis in this Case that the † *Dead seizes the next Living able to succeed*. The same ought to be understood of all the Princes and Princesses of the Royal Line, in what degree soever they be; For there's no Reason to except them from it.

What now remains to be known is, who that *Living* is, whom the Law calls to fill the Place of the *Renouncer* or *Dead*; and 'tis what the Law alone can teach us. It is to be found in the *Siete Partidas del Sabio Rey Don Alfonso*. Part 2 Tit. 15. Les 2. But to spare you the Trouble to look for it, I send you herewith a faithful Transcript of it, under the Letter F. You will find in it, *That the Crown ought not to be divided; That the Succession thereto is by Inheritance, and according to the Direct Line; That the Males are prefer'd before the Females, and among the Males the Eldest before the Younger; But that if there be no Sons the eldest Daughter Succeeds, in such a Manner nevertheless, That if the eldest Son died before the Succession came to him, and should leave a Son or Daughter, born in lawful Marriage, the latter should Inherit, and no other. And in the last Place, that if there were neither Son nor Daughter, the Succession should devolve to the nearest Relation; with this notable Condition, Seyendo Ome para ello: e no avendo fecho cosa porque lo deviesse perder: That is, provided he be a Man duly qualify'd and who has done nothing whereby he is to be excluded.* Now this is the very Case that has happen'd; For King Charles II. died without Children, and so the nearest Relation

* *Stante Praejudicio tertii, minie bujnamodi filio retroadionem operabitur.* Gomes in L. 9. Torr.

† These Words are taken out of the Common or Custom Law of *Paris*. I quote them because the *French* have made of them a general Maxim, especially as to the Manner of succeeding to the Crown. The Word to *Seize* signifies here to invest or put into Possession; not *de Facto*, but *de Jure*.

tion was to inherit the Kingdom. This nearest Relation was the Dauphin of *France*, and after him the Most Christian King his Father; but neither of them were *Ome para ello, a Man duely qualified*: Being both excluded by the Renunciations of their respective Mothers; by the Laws of the Kingdom, and by the *Pyrenean Treaty*, which beyond Contradiction, are things *porque lo deviesse perder*, by which they ought to be excluded. The being the next of Kin to the deceased King is not sufficient to come to the Crown of *Spain*; For the Law requires besides, that the nearest Relation be *duely qualified*; as for Example, That he be born in lawful Matrimony, *de muger Legitima*; and that he be a *Roman Catholick*; *Deve el Rey conoseer a Dios por creencia segun manda la Fe Catholica de Santa Iglesia, assi como se muestra en la primera partida d'este Libro. Part 2. Tit. 2. Ley. 1.* The Law does not specify the other Cases of Exclusion; But what Case can be thought, imagin'd or suppos'd, more plain and less subject to Controversy, than the Exclusion it self? Nay, an Exclusion consented to, Free, and enacted into a Law; and which is found wherever one looks for Right or any Foundation of Right. If you consult either the Statute Books, or Publick Treaties, you will find it in Both; and if you recur to the Conventions of Marriage, they declare the Issue thereof incapable ever to succeed to the Crown of *Spain*. It is customary among the *Spaniards* to swear before hand the Princes presumptive Heirs to the Crown, and these on the contrary were SOLEMNLY ABJURED. Judge now your self, whether they may be said to be *duely Qualified*, or according to the Law, *Omes para ello, e non aviendo fecho cosa por que lo deviesse perder*.

My principal Design in this Article was to prove that if the Succession to the Crown of *Spain* be *Jure Vocationis*, the Princes of *France* are formally and expressly excluded; but the Reasons I have alledged would be no less forcible, if applied to the Hypothesis of the *Right by Inheritance*. Nay, I dare say, that without the Help of any other Arguments, they contain a double Evidence against the Pretensions of the Dauphin and his Descendants. For his only Title to the Crown, would be to supply the Place of his

Mother, and represent her. Now by coming into her Place, he finds no Right, because she had renounc'd; and by representing her he represents a Person that has no Right. It is beyond Contradiction, that in an Inheritance, the Right is transmitted from Father to Son, and that if the Father had no Right, it is impossible for the Son to draw any from him. This is likewise the Opinion of Grotius in the Passage before quoted: *In Hereditary States*, says he, *A Prince who renounces can transmit or transfer nothing to his Heirs*. How can then his Children that are born afterwards, have any Right to the Crown? I cannot see how that can be made out, unless one should say, that the Transmission was made before the Renunciation, from whence it would follow, that they had a Right before they had a Being; which implies Contradiction. 'Tis a Principle receiv'd both in Mathematicks and Philosophy, That *what does not exist has no Propriety*, and it ought to be one in Civil Law, That *what does not exist, has no Right*. Now if the Infanta Maria Theresa could not, before her Renunciation, transmit to her Children the Right of Succession to the Crown, because they were not yet in Being, it follows that she never transmitted any such Right to them, because she had none her self, when they began to exist. Certainly, they could not at the Moment they were Born, or Conceived receive from Her a Right she had not.

I cannot better conclude this Article, than by the following remarkable Words of the Infanta Maria Theresa in her Renunciation of the Crown.

By Virtue and in Performance of the said Article, I hold and declare my self excluded and foreclosed, and the Children and Descendants from this Marriage excluded from and absolutely incapable, without any Limitation, Difference, or Distinction of Persons, Degrees, Sex, and Time of the Action and Right of Succeeding to the Kingdoms, States, Provinces, Territories, and Lordships of this Crown of Spain, express'd and declared by the said Article; And that I will and consent, both for my self and my said Descendants, that from this Time, and for any Time hereafter, they may be held as yielded and transferr'd to him who shall be nearest in Degree (because I and they are

of the Spanish and his Descendants, for his only Right to the Crown, would be to supply the Place of the Mother

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are excluded, * unable and incapable) and next to the King by whose Death they shall become Vacant, and to whom the Succession of the said Kingdoms ought to devolve; And that he may be held as lawful and rightful Successor, in the same Manner as if I and my Descendants had not been † born, or among the Living, because we ought to be held and reputed as such, so that neither in my Person nor in theirs, there may be consider'd, or any Foundation laid of any (a) Representation, active or passive Principle, or continuation of Issue, either effective or contentive of Substance (b) Blood, or Quality, nor draw the Descendants and Computation of Degrees from the King my Lord, nor from the Kings his Glorious Predecessors; nor for any other Effect, or Purpose, in order to enter upon the Succession, or forestal the Degree of Proximity, and exclude from it the Person, who, as was said before, shall be next in Degree—
 And if in Fact, or under a mistaken Pretence, distrusting of Justice (for we ought always to acknowledge and confess that we have no Right to succeed to the said Kingdoms) we should endeavour to seize and possess the same by Force of Arms, making or exciting an Offensive War for that Purpose, that from this present Time, and for any Time hereafter, the same be accounted, unlawful, unjust, and ill-grounded, resulting from Violence, Invasion, and Tyranical † Usurpation, and carried on
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* All this is consonant to the Fundamental Law before quoted; and hereunto annex'd, *Sub Litera F.* whereby, in Default of Children, the King's nearest Relation is call'd to the Crown, *Segundo Ome para ello*, &c. being due Qualified, &c.

† This is the Meaning of the Law in the *Nueva Recopilacion Tom. 1. Lib. 7. Tit. 4.* before quoted.

(a) This relates to the Hypothesis of the Rights of Inheritance.

(b) This is the relative to the *Fus Sanguinis & Vocationis*.

† It is needless to cry out, What would the Infanta Maria Theresa say if she saw the King her Consort, and the Princes her Grand-Sons seize Spain, contrary to her express Renunciation, and make War against all Europe to maintain their Invasion? Here you have what she said before hand, while she was free to speak her Thoughts about that Matter. Observe that both her Words and Thoughts seem to be taken out of the Laws of her Country. For in the
 Ley.

against Reason and Conscience: And that, on the contrary that War be deem'd and accounted Just and Lawful, which shall be made or executed by him who ought to Succeed by the Exclusion of my self and of my said Children and Descendants; whom his Subjects and Vassels ought to receive and obey, and to him swear Allegiance and do Homage, and serve him as their King and Lawful Lord. And I affirm † and certifie, that I was not induced to make this Deed, nor moved and persuaded to the same, by the Respect and Veneration which I owe to and have for the King my Lord, as being so Powerful a Prince, and a Father who loves (a) me so much, and whom I love, and who holds and has held me under his Paternal Power; because in reality in all that is and has been transacted in relation to the Conclusion and Effect of this Marriage, concerning the said Agreement, and Article of my Exclusion, and of my Descendants, I have had all the Liberty I could desire to speak and declare my Will, nor was I on his Part, or by any other Person, induced or drawn in either by Awe or Menaces, to do any thing contrary to it. And for the greater

Ley. 10. Tit. 1. Part King Alfonso says, *Tyrano tanto quiere dezir, como Senor que es apoderado en algun Reyno, o Rey en Tierra, por fuerza, o por engano, o por traycion*, That is, a Tyrant is as much as to say, a Prince who has invaded a Kingdom, or a King who has possess'd a Country, by Force, Fraud, or Treachery. The Words are harsh, and against my Inclination; but 'tis not I speak, 'tis the Law.

† This confutes in fewer Words than could otherwise have been done, all that the Treatise about the Rights of the most Christian Queen says, of that strange Traffick which Spain has made of the Rights of her Infanta, and of the shameful Illusion with which they pretend she would have endowed the most August Match that ever was made. The Infanta's Declaration in this Place has the greater Weight, that altho' she was since in the Power of the most Christian King her Consort, yet she never retracted it by Word or Deed, verbally or in Writing. She saw what was doing; She lamented it; and died in those Sentiments of which the whole Court were Witnesses.

(a) Set this Expression, and positive Declaration against all the Invectives which the Author of the Treatise concerning the Rights of the most Christian Queen was not ashamed to use against King Philip IV. charging him throughout his Book with Immorality, Injustice, Inhumanity, Cruelty, Barbarity, and Violation of the Rights of Nature, Heaven and Earth.

greater Validity and Security of what is said and promised by me, I solemnly Swear by the Gospels contain'd in this Missal, on which I lay my Right Hand, &c. See the Deed it self mark'd E. in the Appendix.

Fifth OBJECTION. That the Will and Testament of Charles II. has decided the Question, by calling the Duke of Anjou to the Crown.

This Objection ought to be understood in one of these two Senses: Either that the Kings of Spain can dispose of the Crown by Will, to the Prejudice of those who are call'd to it by Law; or that in Case of a Competition they may Judge between the Pretenders, and adjudge the Crown to whom they please. Both these Propositions are equally erroneous; nor shall it be difficult for me to make it out. But before I come to my own Proofs, it may not be improper to set the French against themselves, and confute them by their own Writings. Nor will I produce the private Sentiments of some Civilians alone: But you shall see those of the most Christian King about the very Matter of the Succession of Spain, in the Manifesto publish'd by his Command in 1667. under the Title of a *Treatise concerning the Rights of the most Christian Queen*, p. 132. and says.

And indeed one cannot imagine by what Policy the Council of Spain could now maintain, against the Honour of the Crown, and the Authority of its Fundamental Laws, that the Catholick King was Free to make the Infanta renounce the Sovereignities that were devolv'd to her, and the Hopes of all those that might fall to her. For if it be in the Power of a Prince to make his Children renounce the Right of the Scepter, and so exclude them from the same, in favour of Strangers * to the Family, as was done on this
Occasion

* I know not in what Pedigree, or Register the French found that their Princes are of the Royal Family of Spain, and that those of the Branch of Austria in Germany are not of that House; but 'tis plain they pretend so. Tho' Charles V. the Author of the Branch of Spain, and Ferdinand I. Author of the Branch of Germany, were Brothers, and Sons of the same Father; altho' they made between them Family Contracts, whereby one Branch is to succeed the other, in Case of Extinction; Tho' the Blood of those two Branches was united by six different Marriages; and tho' the Emperor Leopold was Grandson of Philip III. Yet, according to French Logick, both he and his Children are Strangers in Spain, and the Princes of France are of the Family.

Occasion, one may from thence infer, that he has a Right to bring nearer or put back † their Rank to the Royal Dignity, without observing the Order of Birth, or to divide the Kingdom amongst them, at his Will? Since it is much more to put it entirely out of his House by a Renunciation, than to preserve it in his Family at his Choice, or to divide it between his Children, according to his Affection. But furthermore one may from that same Principle affirm, that the Prince can make the Males as well as the Females renounce the Right of Succession. — Nevertheless, has Spain a more inviolable Maxim than what is consecrated in their History by so many famous Examples, which teach us, That the Children of the Sovereign do not come to the Crown by a Right they hold from him, but by a sacred Trust of the Fundamental Law of the Kingdom, which calls them necessarily after their Father to the Royal Dignity; and which by an infinite and perpetual Claim ever substituting the Living to the Dead, produces by it self all the Title and Right to the Succession of Crowns, independently from the Will of the Deceased. We learn from the Annals of that Nation, that they never could nor would suffer any * Alteration in the Order of the Royal Succession, upon any Pretext whatsoever. Don Ferdinand King of Castile and Leon, went about to divide the Kingdom between his Children — But the Fundamental Law of the State, more powerful than all those particular Dispositions, prevail'd in favour of the Eldest Son, and maintain'd him, notwithstanding those Partitions, in the Totality of the Dominions. The Will and Testament of Don Alfonso IX. King of Leon, had no better Success, for altho' he had constituted his two Daughters Heirs to his Kingdom of Leon, nevertheless Don Ferdinand his Son, whom he had excluded from it, was maintain'd

† This is exactly what K. Charles II. did by his Will whereby he call'd the Duke of Anjou preferably to his Father, his eldest Brother and all the Children of his Line.

* Observe, That at the very time that the French maintain'd this Position, which certainly is very just and very true, they had a Mind to reunite the Crown of Spain to that of France; which, according to their other Maxims, could not have been done, without excluding, for ever, the Daughters from the Crown? That is to say, without overthrowing the Fundamental Laws, of which they seem to be so jealous and tender in this Place, nor without altering the Order of Succession.

tain'd in by the Approbation of all the States. — King Ferdinand the Catholick being fallen sick at Madrigalejo, he sent for three of the chief of his Royal Council to whom he told in great Secresy, that — by a Will he had made at Burgos he had committed the Government of the Kingdoms of Castile and Aragon to the Infante Don Ferdinand, his Grandson. — But those three Counsellors answer'd him, with great Prudence, that 'twas in vain, he had by his Will, changed the Order of Royal Succession, because the Law of the Kingdom did not permit him to do any thing against the Order of Primogeniture, to the Prejudice of Charles who was the eldest. Which Ferdinand having heard, he told them with Tears in his Eyes, that he approv'd their Council, and made another Will, whereby he cancelled the first, and constituted Charles, his eldest Son his Heir, according to the Law of the Kingdom.

What could we alledge more Forcible, more Express, or more Authentick, against the Will of Charles II? Is it possible that the same King who caused these things to be written and publish'd in the Year 1667, invaded in 1700 the whole Spanish Monarchy, without any other Title than a Will? Fly to the thickest of the Wood, thou wild Satyr, who could'st be offended at the sight of a Mouth that blow'd Hot and Cold for two different Ends? Here you might see the same Court, the same People, the same Doctors maintain, Contraries, in the same Cause; argue *Pro* and *Con*; assert the *Affirmative* and the *Negative*.

The Conduct of the French, for these Fifty Years past, in the Business of the Succession of Spain, cannot otherwise be accounted for, than by the violent Passion of Encreasing their Dominions and Domineering, that possesses them, and to which they Sacrifice all other Considerations.

In the Year 1660 they acknowledge the Right of *Renunciations*. They concur in that of the Infanta *Maria Theresa*, and the King solemnly confirms, and swears to it.

In 1667. they reject and detest it, they call it a *Monstrous Contract*, a Violation of all the Rights of Nature, of the Blood, and of the Crown, and they take up Arms to Cancel and Annul it.

In 1700, they return to *Renunciations*. The Dauphin and the Duke of Burgundy make two Solemn ones, not only for themselves, but also for all their Descendants for ever.

At

At present they hold *Pro* and *Con*; and Embrace at once the opposite Extremes. Of *Nine Renunciations* which are found in the Royal Family, they reject (a) Two; they admit (b) Four; they hold Two (c) indifferent; they are silent, as to (d) one; and they offer us a (e) *Tenth*.

In the Year 1667, they declare themselves against the Will of *Philip IV*, and prove both by Argument and Authorities, that a King cannot dispose of the Crown.

In 1700, they maintain the contrary; they accept the Will of *Charles II*. and from it assume a Title to set the Duke of *Anjou* on the Throne.

In 1701, and 1703, they regard it no more as a Law. They laugh at the Dispositions they find in it, in favour of the Queen Dowager. The Duke of *Anjou* corrects the Article which call'd him to the Crown, and Substitutes the House of *Orleans* to the Duke of *Berry*, preferably to the Archduke who was call'd to it in the third Degree, and to the Duke of *Savoy*, who was to come in the Fourth.

In 1667 they maintain'd in their Writings the **INDIVISIBILITY** of the Monarchy.

In 1698, and 1699. they abandon'd the same, and made two Treaties of **PARTITION**.

In 1700, they broke these two Treaties, and resuming the *System of Indivisibility*, they declared they would not yield a **WIND-MILL**.

Now again they come back to the **PARTITION**; they are for keeping *Spain* and the *West-Indies*, and giving the rest to the Emperor.

It tires one, I Vow, to follow those *Variations* and *Contradictions* which multiply as fast as one enquires into them. Have not we seen the *French* set up for Assertors of the *Immutability* of the *Order of Succession*, and pretend, at the same time, that the Crown of *Spain* ought to be united to that of *France*, in Case King *Charles II*. died without Issue, which nevertheless would have Excluded the

to (a) That of *Aunt Mother* to *Lewis XIV*, and that of *Maria Theresa* his Consort. (b) Those of *Lewis Dauphin*; of *Lewis Duke of Burgundy*; of *Mary Adelaide* Dutches of *Burgundy*, and of *Mary Louisa* Dutches of *Anjou*. (c) Those of the Emperors *Leopold* and *Joseph*. (d) That of *Maria Antonietta* Electress of *Bavaria*. (e) That of the Duke of *Anjou* to the Crown of *France*.

the Females for ever? Have not we seen them write for the *Inalienability*, and *Indivisibility*, at the same time that they claim'd all the Provinces of the * *Netherlands*, by Right of *Devolution*? And do they not now actually maintain, that the Infanta *Maria Theresa* could not renounce for her Children to come, but that the Duke of *Burgundy* could do it?

You will find nothing like this on the side of the House of *Austria*, they have, in this Affair, the Advantage that it has ever been their Interest closely to stick to Justice; and to make it their Bulwark, against the Attacks of their Enemies; so that they never were in the perplexing Necessity to defend themselves by contradictory Propositions. Their Pretensions, their Allegations, their Conduct: Every thing has been uniform, equal, constant and consonant to it self. The Inferences that may have been drawn from the Will of *Philip* in their Favour, are no Exception to what I assert. The House of *Austria* never alledged it as a Constitution to which the Order of Succession ought to Submit. Neither did their Interest require it, since they had on their side the *Fundamental Laws*, and the *Renunciations* of two Infantas, together with the *Pyrenean Treaty*, and the universal Consent of the People. But if it be reasonable in all matters of Right and Law to support one's Assertions by the Opinion of the Civilians and Lawyers, why may not we bring in that of a Prince who was King of the Monarchy now in Controversy, and common Father of the Competitors? And who in that double Capacity declared his last Will to his People, and to his Children?

Don't let us confound what ought not to be confounded, the Will and Testament of a King of *Spain*, is doubtless, a Deed of Great Weight and Consideration, but which is no Law in the State: Neither are they publish'd, or promulgated as such, or made use of in Courts of Judicature; and you will find none of them in the *Recopilations*, or Law Books.

I need not tell you that the Kings of *Spain* do not enjoy the Kingdom *ex Dominio*, because I believe we all agree about it, and consequently that they cannot sell, give away.

* The Duke of *Anjou* has since made an absolute Gift of them to the Elector of *Bavaria*.

away, or alienate their Subjects like a Flock of Sheep, altho' the Power of the Kings of Spain, be very extensive, yet is it neither Despotick, nor Arbitrary. 'Tis their Prerogative, to make the Laws, and no other besides them, can make them, *Part. I. Tit. 1. Leg. 8.* But with Distinction and Limitation. There are three sorts of Laws in Spain: viz. the Ancient and Fundamental Laws; the Laws that are not Ancient, but which have been Enacted in the Cortes; and the Laws that have been made by the Kings, out of the Cortes.

The *Ancient and Fundamental Laws* are those on which the Constitution of the State is founded: Of which some are *General*, others *Particular*. The *General Laws* concern the whole State, as for Instance, those call'd *Siete Partidas*, or *Seven Parts*, and the particular concern only some Member of it, as the Ancient *Fueras*, Customs and Privileges of every Kingdom, Dutchy, Lordship, Country, or City of the Monarchy, in what Part soever of the Earth they be Situated.

The *Laws that are not Ancient*, but which have been enacted in the Cortes, are those that are made from Time to Time, upon the Principal Concerns and Exigencies of the State in the general Assemblies of the Kingdom, which in Spain are call'd *Las Cortes*. They have the same Force with the Ancient; as being ever made with the Advice and Consent of the Three Estates; According to the *Nueva Recopilacion Lib. 6. Tit. 7.* in these Words:

Law II. that the States ought to meet about Important and Arduous Affairs.

Whereas in the Arduous Affairs of our Kingdoms the Advice of our Natural Subjects, especially of the Deputies of our Cities, Towns, and Boroughs is necessary: Therefore we ordain and command, that the Cortes be assembled about all such important and arduous Affairs, and that the Three Estates of our said Kingdom, consult together, as was practised by the Kings our Predecessors.

The other Laws of less Consequence, such as those that are made for the more exact Execution of the Principal Laws, or for Ascertaining and Explaining certain Cases which had not been provided for; or for Promoting the good of the State, and securing the orderly Government thereof: All these may be made out of the Cortes, provided the Privy Council advise the same, by a Majority of two to one. These follow the Law in that behalf: *Nueva Recopilacion, Tit. 1. Lib. 2.* *Law*

Law VII. that the Judges report to the King such Laws as are to be made for Abridging Law-Suits. The Judges ought to consider what means may be used, and what Laws made to abridge Law-Suits, and prevent Litigiousness; and they ought to make Report of the same to the K. that he may make the said Laws, and order the Execution thereof, because it conduces to the Good of his Kingdom.

Law VIII. That to make a Law Two Parts in Three of the Council ought to Concurr.

We ordain and command that when the making of a New Law, or a Proclamation, or the derogating from, or dispensing with a Law, shall be treated or debated in our Council, all those of the Council then present, ought and shall concur in the same Opinion; or at least the Two Thirds of them, whom we shall consult, that we may provide what is convenient for our Service, and the publick Good of our Kingdoms.

Thus you see, there are, as I said before, Three sorts of Laws. First, The Ancient and Fundamental Laws. Secondly, The Laws enacted in the Cortes. Thirdly, The Laws made by the Advice of the Council. Those of the First and Second Sort are equally Sworn to by the Kings at their Accession to the Crown; and thereby become between them and their Subjects as it were *Pacta conuenta*, or a Contract, which mutually and reciprocally binds them in the strictest Obligation. Which ought likewise to be understood of the Laws of the Second Sort, which the King that fills the Throne has made himself, and which therefore he could not swear to with the rest; for as soon as they are enacted in the Cortes, the consent of the Three Estates gives them the Force of a true Contract between Parties; as it is declared in some of them, particularly in the Third Law of the Tit. 10. Lib. 5. of the *Nueva Recopilacion*, wherein Reviving the Law made against Alienations from the Crown, by King D. John II. it is said; That, upon the Request and humble Petition of the Deputies of the Cities, Towns, and Boroughs, of his Kingdoms, in the Cortes which he held at Valladolid in the Year of the Incarnation of our Saviour 1442, he enacted and ordain'd by Law, Agreement, and Contract, firm and lasting between Parties, that &c.

These sorts of Laws are entirely like your Acts of Parliament. The King gives them the Sanction with the

the Advice and Consent of the People, and when they are once made they cannot be revok'd but with the Consent of those who concurr'd in making the same.

As for the particular Laws which the Kings make with no other Advice than of their Council, the King who has made them, or his Successor after him, may repeal them at Pleasure. They are commonly call'd *Ordenanzas*, *Provisiones*, *Cartas*, and *Cedulas*, of which there are Collections under those Titles; and which are Binding, and in Force, so far forth as they are not contrary to the Laws enacted in the *Cortes*; But if they clash with the latter, they remain without Force, and are not put in Execution, as being obtain'd by Surprise.

And if contrary to the Premisses, we should grant any Letters or Warrant, with First, Second, or Third Command, and with some derogatory Clauses, or other Provisoos and Penalties whatever, altho' mention should be made in the same of this Law, or any other, and tho' they should be wholly inserted therein, we command the Alcaldes, Judges, Regidors, and Officers of the said Cities, Towns, and Boroughs, whom it may concern, to respect the same, but not to put them in Execution; for which they shall incur no Penalty, and if in any manner they shall be liable to it, we give them from this Time our Pardon. And it is our Will and Pleasure that the Contents of this Law, and the said Priviledges and Customs be observ'd. And if through Importunity, we should grant Warrants for the said Offices of Augmentation, we declare them Surreptitious, and revoke and annul the same.

The Laws Ten and Fifteen of the *Tit. 3. Lib. 7.* of the *Nueva Recopilacion* speak to the same Purpose, in relation to the publick and perpetual Offices of the Cities and Towns; as they do also, as to other Respects, the Laws Five and Eight of *Tit. 2.* of the same Book; the Laws Fourteen, Fifteen, and Sixteen of *Tit. 3.* of the First Book and several others; nothing being more common in the Laws enacted in the *Cortes* than this Clause, *Sean Obedecidas y no cumplidas*, by which all particular Ordinances or Decrees, that shall be contrary to the Fundamental and Principal Laws are declared null and void.

All this may abundantly suffice to shew, That King Charles II. could not dispose of the Crown by his Will: For, as I observ'd before, a Will is no Law; but only a Domestick

Domestick Disposition which can have no Force but in Domestick Affairs; as for Instance, as to private Estates not annex'd to the Crown, but no Ways in Affairs of State. I do not disown that the History of *Spain* affords many Examples of Kings, who by their Wills have either Named, or pretended to Name their Successors: But some of these Instances are out of the Law, and ancients than the Law now observ'd in *Spain*; the others have only conform'd to the Laws then in Force, by Naming for Successor the Person who had full Right to be so, as may be seen in the Will of *Philip 4.* the others are rather Instances of Iniquity than Justice; And, the others, in the last Place, are so far from favouring the Will of *Charles II.* that they are entirely opposite to it. Upon which I might bring in the Instance of *Alfonso I.* King of *Aragon* and *Navarre*, who had divided his Dominions among the Knights Templars, those of *St. John* of *Jerusalem*, and those of the Holy Sepulcher. That of *James I.* also King of *Aragon*, who divided his Kingdom between his Two Sons; That of *Peter the Cruel* King of *Castile*, who named his Daughters to Succeed him, one after another; That of *Henry the Impotent*, King of *Castile*, in favour of *Johanna*, whom he affirm'd to be his Daughter; That of *Sancho VII.* King of *Navarre*, who adopted *James I.* King of *Aragon*; And that of the Wise and Unfortunate King *Alfonso* of *Castile*, who Named for his Successors the Children of *Don Fernando* his Eldest Son, to the Exclusion of *Don Sancho*, his Second Son, who, tho' a Younger Brother, had been inaugurated, and sworn in the *Corres*, the King present and consenting. An Instance which sufficiently shews, that in *Spain*, the Right of the Blood ceases to be a Right, when the Laws have made contrary Dispositions.

If I needed Authorities of the Civilians, to prove that the Will and Testament of a King cannot allow the Order of Succession Settled by the Fundamental Laws of the State, I could easily find as many as I have done Instances; but all this is Superfluous when the Law * it self speaks; especially when it speaks clearly. I shall therefore content

* Valet igitur illa Juris Feudalis Regula ut in Causa Regiarum et Feudalium Successionum verus cujuscumque Gentis Institutum Romanas Leges vincat. *Joan Fab. Lib. 1. Tit. 25. Feud.*

content my self to give you in the Margin * two or three Quotations, which favour so much what I have had the Honour to tell you, that I cannot forbear inserting them. Besides, by placing them here, I shall have the Advantage of Beating the Adversaries with their own Weapons: For I draw them out of the *Treatise concerning the Rights of the most Christian Queen*, which I have so often quoted and confuted.

There remains another Exception as to the Will of Charles II. which perhaps is not to be look'd upon as an Arbitrary Disposition, whereby that Prince pretended *ex plenitudine Potestatis, omnes Primogenitorum Leges, conditiones ac Substitutiones aut revocare aut variare*, to speak with *Molina*; but rather as a Definitive sentence in the great Controversy that had arisen about the Succession between the House of *Austria* and the House of *Burbon*. To which Four things may in the first Place, be answer'd. 1. That a Will neither is nor will be accounted a Sentence. 2. That a Sentence supposes a regular and formal Process, and Tryal, a Summons, a Plaintiff, and Defendant, and that no such thing is found here. 3. that if it be a Sentence, it has been given *Indicta Causa*, the House of *Austria* having never been heard in her defence either before the late King *Charles*, or elsewhere. And 4. that even supposing that a Will could have the Force and Virtue of a Sentence, it would be found that the Case had been adjudged and decreed by the Will of *Philip IV.* so that nothing but the Execution should be wanting. But without having recourse to all that, it will suffice to say.

That

* *Falsitimum est quod Reges possint Hæredem & Successorem in Regno eligere quem velint, omisso filio primogenito vel alio legitimo Successore, quod est contra omnia Jura & consuetudinem omnium Nationum inviolabiliter observatam. Butrigarius Pt. 2. q. 1. num 57. 58. dans le Traité des Droits Ec. p. 140.*

Rex non potest variare Leges & conditiones primogenituræ in præjudicium Successorum, nec facere quod alius pro alio succedat. *Là même.*

Esset namque absurdissimum asserere quod ex eo quod Majoratus ex Principis facultate institutus fuit, possit Princeps filio primogenito, absque legitima causa, Successionem Majoratus sibi in spe debitam auferre, atque illam in filium secundogenitum transmittere, atque omnes primogenitorum Leges, Conditiones ac Substitutiones revocare: ideoque dici potest ne id etiam ex plenitudine potestatis facere posse, in quo Principis potestas non minuitur, sed augetur. *Molina. Tr. de Ma. lib. 1. cap. 8. n. 31. Là même Traité p. 406.*

That in *Spain*, the King alone is not a competent Judge of the Right of Succeeding to the Crown. The Competency of a Judge, is grounded either on the Nature of the Cause, or the Disposition of the Law; and herein neither favours the King. He cannot ground his competency on the Nature of the Cause; for the Thing in Question, is the Interpreting a Fundamental Law, which is nothing else but a Contract between the King and People about the Succession to the Crown; in this Contract, the King is a Party, and consequently cannot be a Judge. I own that, for the same Reason, the People cannot be the Judge neither; but what can be infer'd from that, but only that the King and People ought to have met in the usual Forms, deliberate, consult, resolve, and at last give the necessary Judgment: This is the meaning of the Law of the Parties. *Law 10. Tit. 1. Part. 1. Ley X. Quien* Law X. who is to explain the Laws, when any doubt arises:

When the Laws want Explanation, upon any doubt that arises about them, through the various Opinions which Men entertain concerning them, that Explanation cannot be given by any other, except he who had Power to make the Laws.

From whence it follows, beyond contradiction, indeed, the King alone, assisted by his Council, has Power to Interpret and explain the Laws of less Importance, which he has made only with the Advice of the said Council; But that as to the Principal Laws, which have been enacted in the general * Assemblies of the Kingdom, and which were made with the Advice and Consent of the People, they cannot be explain'd but in the same Assemblies, with the same Advice and Consent.

Wherefore, as I have already observ'd, there should be a particular Disposition or *Proviso* in the Laws, to make the King alone Competent Judge in these Matters; But there's no such thing. We meet indeed

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* See the Law, 2. Tit. 7. Lib. 6. And the Laws 7 and 8. Tit. 1. Lib. 2. of the Nueva Recopilacion before quoted at length.

with * one, which Authorizes the King Reigning to nominate Guardians to his Successor, in Case of a Minority; But it does not say any thing of the King's having Power to bequeath or dispose of the Crown by Will, or Judge of the Differences that might arise among those that might claim a Title to it: And the silence of the Law on this occasion, may be taken for a formal Negative.

But if during such a Controversy, the King comes to die without having assembled the States of the Kingdom, and the same remains undecided, Who shall then be the Judge? I answer, that in such a Case, the whole right of Judging is devolv'd to the People, assembled in the *Cortes* by their Deputies and other Representatives; which I prove by the Laws call'd *Seven Parts, Law 3. Tit. 15. of the 2 Part*, where after having declared that the King alone should have Power to nominate the Guardians and Regents, who ought to Govern while the Successor is Under-Age, it adds:

But if the Deceased King should have given no Command concerning that Matter, all the Grantees of the Kingdom ought immediately to meet at the Place where the King should be, as also the Prelates, the Ricos homes, and the other substantial and eminent Men at the Cities. And as soon as they are assembled, they ought all of them to swear on the Holy Evangelists, That in the first Place, they shall promote the Service of God, and the Publick Good of the Kingdom; pursuant to which, they shall chuse Men in the Hands of whom they commit the Regency thereof, that they may keep the same well and faithfully.

I know very well, that this Law does, literally, only provide for the Choice of Guardians, and Regents of the Kingdom, during the Under-Age of a Minor King; but I maintain, that in default of another more express Law, it ought to be a Rule in the Case of an undecided Controversy, between the Princes of the Royal Family, who claim the Crown. And, indeed, if the Right of appointing Regents, which belongs to the King alone, may, and ought to devolve to the States of the Kingdom, in case of Death without

* 'Tis the Law 3. Tit. 5. Part 2 of the *Siete Partidas*.

without such a Disposition, by a stronger Reason, the Right of Interpreting and explaining the Laws, and of Judging of the Claims to the Crown, ought likewise to devolve to them, since it is a Right that does not belong to the King alone, and in which the States have almost an equal share with him. But is this last our present Case? Has not the Controversy about the Succession, between the House of *Austria* and *France*, been decided? And is there no explanation of the Ancient Laws about that Matter? Certainly there is: And even one so formal and solemn, that nothing more can be desired. I mean the Law of *Exclusion*, which I have so often quoted, and which I send you * herewith. It is express, clear, and made in the General Assembly of the Kingdom; And it would be to no purpose to alledge, that that Law can have no validity but in Relation to the Marriage of *Anna of Austria* with *Lewis XIII.* and not with respect to that of *Maria Theresa* with *Lewis XIV.*; for there was no Reason of Exclusion in that first Marriage, which was not found in the other; and there were, besides, other Reasons as to the latter, which did not concur in the former.

The Laws ought to be well and rightly understood; and their true Sense ought always to be taken in the soundest and most profitable Meaning, according to the Words in which they are couch'd. Wherefore 'tis the saying of Wise Men, That the Knowledge of the Laws does not only consist in Learning them, and Writing them fair, but in knowing the true Sense of them.

Now, I'd fain know, what other Meaning can be found in this Law? And what other views more wholesome and more profitable to the Kingdom of *Spain*, than the general and perpetual Exclusions of all the Princes of the House of *France*, Eldest, Seconds, Thirds, or Fourths, and so forth, and all their Descendants, Males or Females: *Notwithstanding they should or might alledge, N. B. or pretend, that the Reasons of the Publick Good, or others on which this Exclusion may be founded, could not take Place, and ought not to be regarded in their Persons. And tho' they should farther*

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alledge,

* See the Appendix, Letter A.

alledge, N. B. That the Succession of his Catholick Majesty, and of the most Serene Princes and Infanta's, and of the other Children he has or may have, and of all the Lawful Successors (which God forbid) should have fail'd *, because, notwithstanding all this, they ought not to succeed in any Case, Time, Accident, or Event, neither she nor her Descendants, notwithstanding the said Laws, Customs, Ordinances and Dispositions, by Virtue of which, others have succeeded, and do succeed to all the said Kingdoms, States, and Lordships.

All these Words and Expressions are found in the Law of EXCLUSION, from whence they have been taken and inserted in the Act of RENUNCIATION of the Infanta Maria Theresa to the Crown: A RENUNCIATION which in the Marriage-Contract of that Infanta, was a Condition, *sine qua non*, and which is confirm'd by the PYRENEAN TREATY, as if the same was inserted in it *Verba tim.*

It had certainly been superfluous and improper to make in the Cortes a New Law about the Renunciation of Maria Theresa, since there was one ready made. It was sufficient that this Renunciation should be conformable, as it is, to that Law, and, over and above, that it should be corroborated by a Treaty of Peace, which binds the House of France by a double Tie; and which is no less a Fundamental and perpetual Law, than any that was ever enacted in the † Cortes.

I said before, that in the Marriage of Maria Theresa, there were Reasons of Exclusion, which did not take place in that of the Infanta Anna which is self-evident,

* By this Clause the Princes of France are excluded, not only while there are in the World any Descendants from King Philip III. and King Philip IV. but also in case of a total Extinction of their Line; which shews that they are excluded, not as Children and Descendants of the Two Infanta's, but as Princes of France, to none of which it can ever be lawful to come to the Crown of Spain.

† The Reason of it is, because Treaties made *Cum Exteris* are made *Jure Regni*; Therefore they only want the tacit consent of the People, and the usual Promulgation, to have all the Force of the Principal and Fundamental Laws.

dent, since the Law was in Force Forty years before when the Infanta *Maria Theresa* was Married, where as it was not made till the Infanta *Anna* had been Married Three Years. But these Reasons will doubtless appear doubly forcible, if we consider the Bloody War which *France* made against *Spain*, since the year 1633, and the Important Conquests the *French* retain'd by the Peace of *Munster*, not to mention the unjust War of the year 1677, under pretence of the same Claims that had been renounc'd.

Froissart, an old *French* Historion, setting forth the Reasons, which, in the year 1286, induced *Gaston VII.* Viscount of *Bearn* to constitute the Count of *Foix*, who had Married his Daughter *Margaret*, his Successor, preferably to the Count of *Armagnac*, who had married *Martha* his Eldest Daughter, makes him speak thus: Son-in-law, you are my good, true, and loyal Son, and have ever maintain'd my Honour, and the Honour of my Country; The Count of *Armagnac*, who has my Eldest Daughter, has excus'd himself when I was in great Distress, and is not come to defend me, and keep my Inheritance, in which he had a share: Wherefore I declare that he has forfeited and lost the share he expected from the Right of my Daughter his Wife, and I bequeath to you the whole Land of *Bearn* after my Decease, to be enjoy'd by you and your Heirs for ever. And I Pray, Will, and Command all my People and Subjects, that they agree to, and ratify with Me this Inheritance, which, Son-in-law, I give you, *Froissart* Tom 2. Chap 159 and 160. These Words in the Mouth of *Gaston* bear a great Weight, especially with those who are acquainted with the Passages that occasion'd them. When I peruse them, methinks I hear King *Philip*, on the point of making his Will, addressing himself to the Emperor *Leopold*, in these Words: MOST SERENE PRINCE, you are my True, my Faithful and Loyal Son, who have ever discharg'd the Duties, and shew'd, both for Me, and for my People, all the Regard that could be expected from a Son, and a Friend. You are of my Blood, and bear my Name; You have assisted me to the utmost of your Power; and you never espoused an Interest opposite to mine. The King of *France*, who has

the Eldest of my Daughters, has not barely Excused himself from defending me in Distress: He has made a Long and Cruel War against me; He has forc'd my Towns; Ravag'd my Provinces; and rais'd my Subjects in Rebellion against me; Neither the Peace, nor his Marriage with my Daughter, have made the least Alteration in his Designs of Conquering and Domineering. Father as I am, he has compelled me to yield to him a Prerogative that was not his Due, and to make him a solemn Reparation for Injuries which his Ambassadors had done to mine. Now I see him Meditating a new War against my Son, under Colour of his unjust Pretensions. Nor the Faith of Treaties; nor the Tears of my Daughter; nor the Sanctity of Oaths will hold him. He is the Enemy of my House, of my Person, and of my Dominions. Wherefore, I declare, that he has Forfeited and Lost the Share he expected from the Right of my Daughter, and I bequeath the same to you, after my Decease, and the Decease of my Son, to be enjoy'd by you and your Heirs for ever; and I Pray, Will, and Command all my People and Subjects, that they agree to, and confirm with me this Inheritance, which, most serene Emperor, I give you.

What Answer could be made to such a Speech? What could be said against such a Disposition? Certainly, nothing — Unless it be that what was proper at the Time of Philip III. and Philip IV. ceased to be so at the Time of Charles II. and that the latter had as weighty Reasons to make a Will in Favour of the King of France, as his Father had to make one in Behalf of the Emperor. Let us examine these Reasons; and hear, in his turn, Charles II. Speak, according to the Sentiments he must necessarily have entertain'd at the Time he Signed his Will.

'Tis true, (would he have said) the Emperor is my Kinsman and Friend; We descend from the same Ancestors; Our Name, and our Interests are the same; His House and Mine are but one and the same House; The Two Branches of it, are United by Consanguinity, and repeated inter Marriages; These are Family Contracts, by which their Dominions are perpetually entail'd on each other; Nothing was more expressly recommended to us by our Predecessors, than the maintaining this Union, which,

which, indeed, has been so happily cultivated, on both Sides, that hitherto no War, no Quarrel, no Coldness, has happen'd between the Two Branches; On the Contrary, they have ever preserv'd a Sincere Amity between them. 'Tis true, likewise, that the Emperor now Reigning, has ever given me singular Marks of Fraternal Love. He has on all Occasions, supported my Interest; He has assisted me in my Necessities; He has join'd his Forces with mine; He has been Friend of my Friends, and Enemy of my Enemies. The King of France, on the contrary, has been the Enemy of my Father, and Myself. He has caus'd his Grey Hairs to go to the Grave with Sorrow, and he has fill'd my Reign with Trouble. Besides, he has no manner of Right to the Crown; Being excluded from it, with all his Posterity, by the Laws of the Kingdom, and by the Contract of Marriage of his Mother, and his own, which, however, are the only Titles on which he may ground his Claim. Therefore his Pretensions are the most unjust in the World; I knew it full well, but I find not in Me, either Force or Courage to oppose them. He has Overcome Me all manner of Ways. While he only made War against me Abroad, I made a shift to defend my self; But he has found means to assault me at Home. His Bribes have penetrated as far as my **PRIVY COUNCIL**. I still behold, indeed, several Ministers who generously adhere to the Emperor's Rights, and the Constitution of the Monarchy; But those I confide in are in the Interest of France. Now I find my self on my Death Bed, and ready to give up the Ghost: In this Condition, I yield to those who have freest Access to me; whose Character appears to me the most Venerable; and who ought to be best skill'd in Cases of Conscience. I resign my self into their Hands, and abandon my self to their Direction. They will have all revok'd I have said, resolv'd and maintain'd during the whole Course of my Life, in Relation to the Succession; — I revoke it. They will have me Annul the Laws of the Monarchy — I Annul them. They will have Me Overthrow at my Death, all that my Grand-Father, my Father, and my self, have endeavour'd to Rear up, — I do it. They will have Me in short, deliver up Spain to Her greatest Enemy,

and remove him from the Succession whom the Laws call to it — I consent to it, I will have it so, and set my Hand to whatever is offer'd me. If in this I do amiss, let my directors of Conscience Answer for it. As for me, who am no more than a shadow on Earth, I think I cannot do better, than wholly to Submit to them.

POOR SPAIN, what wretched Extremity art Thou fall'n into, to see thy Fate in the Hands of an Agonizing King, and of Two or Three Priests, either Corrupted, or Incapable, of any sort of Government !

Second Question. Whether the Queen of Great Britain's Engagements with her Allies go no further ?

I think we ought not to look for Her Majesty's Engagements higher than the Year 1701, and the Treaty, concluded that Year, between the Emperor, and the King of Great Britain, and the States General of the United Provinces. This is a strict Alliance for removing the Great and Common Danger, whereby the three Powers declare, Artic. VIII. That the War being once begun, it shall not be Lawful for any of the Allies to Treat of Peace with the Enemy, unless it be jointly, and with the Participation and Advice of the other Parties ; nor shall the said Peace be concluded, till a Just and Reasonable Satisfaction has been obtain'd for the Emperor : These are the very Words, *Nisi adepta prius, pro Casarea sua Majestate, Satisfactione equa & ratione conveniente.*

The Treaties made in the Years 1703 and 1704, with the King of Portugal and Duke of Savoy, follow that of the Grand Alliance, and furnish us still with more express Engagements. The Restitution of the Monarchy of Spain to the House of Austria is therein laid down as a Foundation ; and in the Treaty with Savoy, it is declar'd in particular, that the Queen of Great Britain, and the States General, look upon that Restitution as THEIR OWN CONCERN. To which purpose be pleas'd to observe, that altho' this Restitution be not mention'd, in express Words, in the Specifick Demands either of Her Britanick Majesty, or of their High-Mightinesses, deliver'd at Utrecht on the 5th of March, yet it is comprehended therein

by means of the *Clause of Reciprocal Support* or *GENERAL CLAIM*, which is inserted therein; the Plenipotentiaries of Her Majesty and their High Mightinesses having declared in full Congress, upon the Representations of the Emperor's Ministers, *That they understood it so, and that was their Intention.*

We have next the *Articles Preliminary* of the Year 1709, signed by the Ministers of the Three Powers; which signing rendered them, if not an Obligatory Treaty, at least an Authentick Deed of their Common Sense and Resolution, with Respect to a Future Peace.

The III. of those Articles imports, 'That the most Christian King shall, from this Time, acknowledge, Publickly and Authentickly, as also afterwards, in the Treaties of Peace to be made, King Charles III. in the Quality of King of *Spain*, the *Indies*, *Naples*, and *Sicily*, and generally of all the Territories dependant, and comprehended under the Name of the Monarchy of *Spain*, in what part of the World soever situate; (except what is to be given to the Crown of *Portugal* and Duke of *Savoy*, pursuant to the Treaties between the High Allies, and the Barrier in the *Netherlands*; which the said King Charles III. is to put into the Hands of the said Lords, the States-General of the United Provinces, agreeably to the Tenour of the Grand Alliance, in the Year 1701; except also what shall be hereafter mention'd, touching the upper Quarter of *Gelderland*; and also except the Agreements yet to be made with the said King Charles III. without excepting any Thing more, &c.

The IVth. Article is Couch'd in these Terms: 'And forasmuch as the Duke of *Anjou* is at present in Possession of a great Part of the Kingdoms of *Spain*, of the Coast of *Tuscany*, the *Indies*, and part of the *Netherlands*, 'tis reciprocally agreed, That for the sure Execution of the said Articles, and of the Treaties of Peace to be made, the said Treaties shall be finish'd within the Term of two Months, to begin from the first Day of the ensuiug Month *June*, if possible; during which Time his Most Christian Majesty

' Majesty shall so order it, that the Kingdom of
 ' Sicily shall be put into the Possession of his Catho-
 ' lick Majesty *Charles III.* And the said Duke shall
 ' depart in full Safety and Freedom, out of the Limits
 ' of the Kingdoms of *Spain*, with his Consort, the
 ' Princes, his Children, their Effects, and, gene-
 ' rally, all Persons that are willing to follow them :
 ' And if, before the said Term expire, the said Duke
 ' of *Anjou* do not consent to the Execution of the
 ' present Agreement, the most Christian King, and
 ' the stipulating Princes and States, shall, by Concert,
 ' take proper Measures that it may have entire Effect,
 ' and that all *Europe* may, by the full Performance
 ' of the said Treaties of Peace, speedily enjoy perfect
 ' Tranquility.

By the VIth. Article is agreed, ' That the Monarchy
 ' of *Spain* shall remain intire in the House of *Austria*,
 ' in the Manner above mention'd. None of its Parts
 ' shall ever be dismember'd; neither shall the said
 ' Monarchy, in whole, or in Part, be united to that
 ' of *France*; nor shall one and the same King, or a
 ' Prince of the House of *France* ever become Sovereign
 ' thereof in any manner whatsoever, either by Will,
 ' Legacy, Succession, Marriage-Compact, Donation,
 ' Sale, Contract, or any other way whatever, &c.

Let us make a Summary Recapitulation of all this :
 By the Treaty of the Year 1701. the Allies stand en-
 gaged, not to make a Peace, till they have obtain'd a
Just and Reasonable Satisfaction for the Emperor; The
 Treaties made in the Years 1703 and 1704, lay down
 the entire *Restitution of the Monarchy* as the main
 Foundation: The *Preliminaries* of 1709 explain the
 Manner of that Restitution, and how far it ought
 to extend; And the Specifick demands of the Allies
 deliver'd at *Utrecht* contain it, either expressly, or
 implicitly, by a *Clause of Support*, or *General Claim*,
 that was inserted therein for that Purpose. I know
 not whether I mistake, but methinks these are
 FORMAL, EXPRESS, and REPEATED
Engagements, for the *Entire Restitution* of the Monar-
 chy of *Spain* to the House of *Austria*; Nevertheiefs,
 the Scheme contain'd in the Speech, runs altogether
 upon

upon a *Partition*; whereby *Spain* and the *Indies* are left to the Duke of *Anjou*; and only the *Low-Countries*, the Kingdoms of *Naples*, *Sicily*, and *Sardinia*, the Dutchy of *Milan*, and the Places situate on the Coast of *Tuscany*, are to be allotted to the Emperor. Now, pray in what Sense must we understand these Words of the same Speech: *I have not omitted any thing which might procure to all our Allies, what is due to them by Treaties?* Is not the **WHOLE** more than one **PART**? Is the Procuring one *Half*, the same with Procuring an **INTIRE RESTITUTION**?

Third QUESTION. Whether by this Scheme the Interest of the Common Cause is sufficiently secured?

This Question follows the preceding, the more naturally and necessarily, because in the same Place where Her Majesty is pleas'd to say, *She has not omitted to procure to All her Allies what is due to them by Treaties*, She adds, *And what is necessary for their Security.* I shall not spend Time in Proving, That that *Interest and Security* can no where be found, but in a *Perfect Ballance of Power* between the Two Houses of *Austria* and *Bourbon*, because where every Body seems to agree in it. The Question therefore, now, is not whether that Ballance ought to be restor'd, But *wherein it consists?* And in what Degree of Restitution it may be found? The Party who at present prevail amongst You, look for it in a *Partition* of the Monarchy of *Spain*, of which they Design the best share for the House of *France*, and the least for the House of *Austria*. I know not upon what Foundation they may have conceiv'd that Notion, but I'm sure that before the Year 1711, both Her Majesty and the *British* entertain'd far different Thoughts.

I may quote the Queen's Speech to her Parliament of the 9th (20th) of November 1703. and the Addresses of Thanks which both Houses presented thereupon to Her Majesty: For therein you will see, That her Majesty and her Parliament held it then for certain and unquestionable, That there could be no Ballance of Power in *Europe*, without *Recovering the Monarchy of Spain from the House of Bourbon, and restoring it to the House of Austria.* The Queen deliver'd Her Thoughts

Thoughts yet more forcibly upon that Subject in Her Speech to both Houses on the 27th of *October* (7 Nov.) 1705. ' Nothing, said Her Majesty, can be more evident, than that if the *French* King continue Master of the *Spanish* Monarchy, the Ballance of Power in *Europe* is utterly destroyed, and he will be able in a short Time, to engross the Trade, and the Wealth of the World.

' No good *Englishman* could at any time be content to sit still and acquiesce in such a Prospect: And at this time we have great Grounds to hope, that by the Blessing of God upon our Arms, and those of our Allies, a good Foundation is laid for restoring the Monarchy of *Spain* to the House of *Austria*; the Consequences of which will not only be safe and advantageous, but glorious for *England*.

' I may add, We have learnt by our own Experience, that no Peace with *France* will last longer than the first Opportunity of their dividing the Allies, and of attacking some of them with Advantage.

This was the Sense of the Queen; and you may see that of the Lords in their Address presented on the 1st, (12th) of *November*. ' Your Majesty, say they, is pleas'd to give us Warning, of Danger of the being so far deluded, as to depend again on the Faith of Treaties, with an Enemy who has never yet had any other Regard to them, than as they served the Purposes of his Interest and Ambition: And to inform us, That no Peace can be Lasting, Safe, and Honourable, till the *Spanish* Monarchy be fixed in the House of *Austria*, and *France* reduced to such a Degree, that the Ballance of Power in *Europe* be again restored.

' We humbly concur with your Majesty in these your Wise and Noble Sentiments, and we faithfully Promise, that no Danger shall deter us, nor any Artifice, divert us, from doing all that is in our Powers to assist your Majesty in carrying on the War, till you shall be Enabled to procure such a Peace for *Europe*, &c.

The Opinion of the House of Commons was thus express'd in their Address presented the 6th (17th) of the same Month: ' We are fully convinc'd, said they,

' That

‘ That the Ballance of Power in *Europe* can never be restored, till the Monarchy of *Spain* is in the Possession of the House of *Austria*; and that no Peace with *France* can be Secure and Lasting, whilst the *French* King shall be in a Condition to break it; and therefore your faithful Commons are fully resolved effectually to enable your Majesty to carry on the War with Vigour, to Support our Allies, and make good such Treaties as your Majesty shall judge Necessary, to Reduce the Exorbitant Power of *France*, &c.

The Parliament being met again on the 3d (14th) December 1706. the Queen spoke to both Houses in these Words: ‘ I hope we are all met together at this time with Hearts truly thankful to Almighty God, for the Glorious Successes with which he has blessed our Arms, and those of our Allies, thro’ the whole Course of this Year; and with serious and steady Resolutions, to prosecute the Advantages we have gain’d, till *We reap the desir’d Fruits of them in an Honourable and Durable Peace*. The Goodness of God has brought this happy Prospect so much nearer to us, that if we be not wanting to our selves, we may, upon good Grounds, hope to see such a Ballance of Power establish’d in *Europe*, that it shall no longer be at the Pleasure of one Prince to disturb the Repose, and endanger the Liberties of this part of the World.

‘ A just Consideration of the present Posture of Affairs, of the Circumstances of our Enemies, and the good Disposition of our Allies, must needs excite an uncommon Zeal, and animate Us to exert our utmost Endeavours at this critical Juncture.

This excellent Speech, so worthy of the Queen that spoke it, was, on the 5th (16th) of the same Month, follow’d by an Address from the House of Lords, which was no less applauded by the *British* Nation, and all *Europe*. Their Lordships expressly declared themselves for the Restoring of the whole Monarchy of *Spain* to King Charles the Third, as an Article without which it was impossible to make a Safe and Honourable Peace; And added, ‘ That if they should not do all that lay in their Power towards improving the Advantages which

which the Divine Providence had given to Her Majesty and Her Allies, they should shew themselves unthankful to God, inexcusable to Her Majesty, and manifestly wanting to their Countrey and the Common Cause of *Europe*.

The ill Success of the Enterprize against *Toulon* made no Alteration in the generous Sentiments of the House of Lords: On the contrary, their Concern for the Common Cause appear'd the more Lively, and on the 19th (30th) of *December* they came to a Resolution, *That no Peace could be Safe or Honourable for Her Majesty or Her Allies, if Spain and the Spanish West-Indies were suffer'd to continue in the Power of the House of Bourbon.* The Commons, who, at that time, shew'd no less Zeal than the Lords for the entire Restitution of the Monarchy of *Spain*, readily join'd with their Lordships in an Address, which was presented to the Queen on the 23d of *December* (3d *January*) 1707-8. in these Words: 'We your Majesty's most Dutiful and Obedient Subjects, the Lords Spiritual and Temporal, and Commons, in Parliament assembled, having been always fully perswaded, *that nothing could restore a just Ballance of Power in Europe, but the Reducing the whole Spanish Monarchy to the Obedience of the House of Austria,* and having seen several Great Parts of that Monarchy, by the Blessing of Gods upon the Victorious Arms of your Majesty and your Allies, already in the Possession of that House, do think not only Seasonable, but Necessary at this Juncture, humbly to offer this our Unanimous Opinion to your Majesty, *That No Peace can be Honourable and Safe for your Majesty, or Allies, if Spain, the West-Indies, or any Part of the Spanish Monarchy, be suffer'd to remain under the Power of the House of Bourbon.*

To this Address the Queen made the Generous and Wise Answer I hinted before. *I am FULLY of your Opinion,* said her Majesty, *That no PEACE can be HONOURABLE or SAFE for Us, or for our Allies, till the ENTIRE Monarchy of Spain be restored to the House of Austria; and very well pleased to find, That the measures I have concerted for the Suc-*
cour

cour of the King of Spain, are so well approv'd by both Houses of Parliament.

The Parliament, whose Generous Resolutions I have quoted, was dissolv'd in *April 1708*; But another was call'd, which, at their Meeting, appear'd to be in the same Disposition. Her Majesty's just Affliction for the Death of her Royal Consort, not permitting her to go to the Parliament, She appointed Lords Commissioners to represent Her Person, who in their first Speech to Both Houses, told them; ' That Her Majesty had not the least doubt, but that ' this Parliament would be of the same Opinion with ' Her last, as to the Vigorous prosecution of the ' War, and the Ends of it, believing it impossible, ' the Representative of the *British* Nation could endure to think of losing the Fruits of all our past endeavours, and the great Advantages we had gain'd, ' by submitting at last to an insecure Peace.

Whereupon the Lords, who still retain'd their Generous Intentions, *assured her Majesty*, by their Address of the 19th of November 1708, *That they would give their utmost assistance in every thing, for the prosecuting of this just and necessary War; being more and more convinc'd, That no Peace can be Safe or Honourable, until the whole Monarchy of Spain, be restor'd to the House of Austria.*

After such VENERABLE AUTHORITIES, I almost make a Scruple of Conscience to send you any Reflections of my own. You see in them the Thoughts of the late King *William*, the Deliverer of your Country; Those of Her present Majesty; Those of Both Houses of Parliament, jointly and separately. In them you see the purest Sense of the whole *British* Nation; of the High Allies; and certainly of all *Europe*. Yes, all *Europe*, whether in, or out of the Grand Alliance, speaks in this particular, by the Mouth of the *British* Parliament, and cries out with one Common Voice, *The War is just and necessary; — The Ballance of Power in Europe cannot be restor'd, but by restoring the whole Monarchy of Spain to the House of Austria. — No Peace will be Honourable,*

vable, Safe, and Lasting, while the French King is in a Condition to break it.

What can I say more forcible, more convincing, and more to our present purpose? Shall I call you back to *Experience*, the surest, tho', at the same time, the dearest of all ways of Information? We have a sad Experiment of above Fifty Years, which I reckon from the Peace of *Munster*; for I readily agree with you, that, before that time, there was less Reason to be upon one's Guard against *France*; and that her Power, abstracted from any Alliance, was less to be fear'd. But consider then, I beseech you, since these Famous Treaties, which Restoring Peace to the Empire and our Provinces, seem'd to have restor'd the Ballance we pursu'd, and secur'd the Liberty of *Europe*: See with what Success she carried on the War against King *Philip* in *Italy*, *Spain*, and the *Low-Countries*. Behold upon what disadvantageous Terms she forc'd that Prince to make a Peace in the year 1659.

I will venture to tell you a thing, which, tho' contrary to the opinion which I find at present prevails in *England*, is, nevertheless very true, to wit, That as soon as that Peace (the *Pyrenean Treaty*) was signed, the Ballance of the Two Powers was destroy'd: From that fatal Day the Influence of *France*, reach'd from one end of the World to the other, almost without exception. It was felt in the *East* and *West-Indies*, by the enlarging of their Trade, and the Settlement of several Companies; In *Lorraine*, by the Oppression of Duke *Charles*, and his Subjects; in *Spain*, by the solemn Reparation *France* exacted from King *Philip*, about the Dispute that happen'd between the Two Ambassadors; In *England*, by the Sale of *Dunkirk*; At *Genoa*, by the Necessity that was impos'd on that Republick, to expel Cardinal *Imperiali*, one of their Nobles, who had taken Sanctuary there; In *Africa*, by the Wars against *Tunis*, *Algier*, and *Tripoli*; At *Rome*, by the Treaty of *Pisa*, the erection of the Ignominious Pyramid, and the Legation of Cardinal *Chigi*, the Pope's Nephew; All which happen'd within the space of Seven Years. Then came the War of

1667,

1667, in which we saw Eleven Towns taken in one Campaign; and the whole *Franche Comté* in a few Days. This occasion'd the *Tripple Alliance* in 1668; but the same was broken two Years after.

In 1670, *The most Christian King* seiz'd upon all *Lorraine*, nor durst any Body oppose him. In 1671, the bare Progress he made into the *Netherlands*, to fortify *Dunkirk*, cast all *Spain* into Alarm. In 1672, he fell on our Provinces, and penetrated beyond *Utrecht*. The King, says Count *Rabutin* in his History, did not vouchsafe to send an Herald to the *Hollanders*, as the custom is with equal Enemies; he treated them as Rebel Subjects. A Detail of what has happen'd since would be tedious; and then you are so well acquainted with it, that there's no need to swell this Letter with it. You know upon what Conditions the Peace of *Nimeguen* was made; and how well it was observ'd; under what pretences *Strasburgh* was taken; *Casal* Bought; *Luxemburg* Conquer'd; *Genoa* Bombarded; and afterwards oblig'd to send their Doge into *France*, to beg the King's Pardon, and express their Sorrow for the Misfortune they had to have incurr'd his Displeasure. You are not Ignorant upon what Foot the Truce was made in 1684; nor how powerful and dreadful the Influence I just now spoke off, was in *Germany*, in *England*, and here. Call to mind the Business of the *Palatinate* and *Cologne*; the Transactions in *England*; and at *Rome* from the year 1685 to 1689. Then take a review of the Events of the last War, and of the Haughty Carriage of *France* in the Treaty of *Ryswick*. Attend the steps of that Crown in the Execution of that Peace; in her Treaties of Partition; and in the General Invasion of the *Spanish* Monarchy. Consider, with all these, Her State, her Splendor, her Loftiness, her Credit, her Power: View the Riches of her Commerce; her vast Revenues; the great Number of her Fortified Towns; the Extent of her Conquests; and the Strength of her Armies and Fleets. Certainly, if you attentively reflect upon all these; if you consider, that since the Peace of *Munster*, *France* is only beholding to her own Forces for all her Advantages and the

Predominance she has Usurp'd over the rest of *Europe*; That she always made War without Allies; That her *Hands*, like those of *Ismael*, have been lifted up against all, and those of all against her; That she has set up her *Tents* in sight of other Nations; That she has defeated their Armies; Forc'd their Strong Towns; and Conquer'd their Provinces; and that she never made any Treaty with them, without retaining part of her Conquests. If, I say, you fix a while your Thoughts on all these Things, and with an unprejudic'd Mind you afterwards consider the Condition of the House of *Austria* in her Two Branches, what she has been able to do against so many Unjust Assaults, since the Time of the same Treaty of the *Pyrenees*; the Constant and Irreparable Losses; the necessity which the Empire, *England*, *Holland*, and several other Princes and States, have been under to join their Forces and Counsels for their Common Safety; the small Success which their United Arms had in the last War; and the Danger they were in of a total Subversion, at the Beginning of this: You will, undoubtedly agree, That the taking away from the House of *Austria* one Half of her Dominions, to give them to a Prince of the House *France*, would not be the means to restore the Balance, and Secure the Liberty of *Europe*. There's no need of any great Skill in the Mathematicks to comprehend, That the more one takes from the Weak to give to the Strong, the farther one goes from the point of Equality; especially, if the Forces of the Stronger are United, and those of the Weaker Divided and Dispers'd.

This nevertheless, is the Upshot of the Scheme of those who are for a *Partition*. They do not deny the necessity of settling a Ballance of Power between the Two Houses; but they pretend that the Method which for these Fifty years past has been used to bring it about, is improper; and this fine Notion they are apt to support by the small Success of our Efforts, during the two last preceeding Wars. They think *France* was not sufficiently strengthened by all the Conquests she gain'd thereby; nor the House of *Austria* sufficiently weaken'd by her Losses, and up-

on

on this Supposition, they now propose to us, as a *wonderful Expedient*, the taking from that House all *Spain* and the *West-Indies*, and to leave her only the *Low-Countries*, the Kingdoms of *Naples*, *Sicily*, and *Sardinia*; the Dutchy of *Milan*, and the places on the Coast of *Tuscany*.

Were not you one of that Party, you might, with just Reason, ask me, By what Arguments so strange a Notion can be maintain'd? and you would be surpriz'd at the reading of what has been said, and Written about it. ONE, guided by his *Fiery, Pragmatical* Genius, complains, That the Two last Emperors, and even the present, have not concurr'd as they ought in the Operations of War; That they believed *Great-Britain* was to do All; That they have not even improv'd the Advantages she has procur'd them; and that since they would not help themselves, neither are others oblig'd ever to make War for their Advantage. Another, with a *Grave* Tone, and supercilious Nod, would insinuate, That 'tis a Piece of Folly in us, the Guarding our selves against present and near Dangers, instead of preventing those which may happen one Day. He beholds with pity the great Efforts we make for wresting the Monarchy of *Spain* out of the Hands of *France*, instead of taking right measures to reduce within just Bounds the future *Exorbitant Power* of the House of *Austria*.

' In former Wars, says a Politician, whose *Memoirs* are not Pieces writ at Random, the Passions of Men, and not the Interests of Nations were Consider'd: When they made Peace they only apply'd themselves to put an end to one War, but did not think of preventing another — *Europe* having always confin'd herself to present Conjunctions and Necessities, without any Provision for what was to come, or taking Care of herself, never went upon certain Principles in those Matters.

' In the time of *Charles V.* a great part of *Europe* conspir'd against *France*, and most of the other part were frequently Idle Spectators, and wou'd not consider that they themselves must be sunk by the

‘ Ruin of *France*. But Miracles, such as don’t happen every day, sav’d her.

‘ Unforeseen Accidents did in the same manner save the House of *Austria* about the middle of the last Century. Her Excessive Power had struck her Neighbours with Fear: Her Ambitious Designs were discover’d, and she then became the Object of Common Aversion. But now these Aims and Views are chang’d, *France* is abandoned, the House of *Austria* is espoused, and the latter must Reign while the other Obeys.

‘ All the Plans of Peace at present discours’d, are for enriching the House of *Austria*, and Impoverishing *France*, they not only propos’d to take from her what she claims by Virtue of Testamentary Settlements, and the Rights of Lawful Succession, but even dispute what the Treaties of *Aix la Chapelle*, *Nimeguen* and *Ryswick* have confirm’d to her, and some are also for taking away what was granted her by the Treaty of *Westphalia*.

‘ I cannot forbear to say that *Europe* wou’d be in a Miserable Case, should *France* subscribe to such hard Conditions, not that there is any Cause to apprehend that she wou’d not observe them, if she did accept them. For her Finances so exhausted that ’tis impossible to recover them, her Lands almost Uncultivate and Desart, by the prodigious Number of Men which she has lost, her Poverty, and her Misery, secures us of her performance. She wou’d continue Quiet but the rest of *Europe* wou’d not.

‘ All these Changes of Parties, and Systems will ever be of dangerous Consequence, and produce nothing but the Ruin and Desolation of Countries.

‘ *Europe* ought to have but two Essential Points in View, viz. her Liberty, and Repose. In order to make sure of those two Fountains of Human Felicity, two Precautions must be taken, two Important Preliminaries are absolutely necessary, one is to put our selves in the Place of those for whom Enterprises are undertaken, or Treaties made, and not to look upon our selves as Mortals, but to extend our Reflection and Care beyond the present Times, and to

‘ con-

* consider more of what's to come than what is past:

* Such an Advantage offers now, as may perhaps in
 * Ten Years Time prove the Ruin of those who shall
 * accept it. It sounds well to humble an Enemy, who
 * has given us Just causes of Alarm, and seems to be
 * profitable to load a neighbouring State, which gives
 * us Umbrage, with heavy Fetters, but in time she
 * will break them off. The humbled Enemy will leave
 * the Revenge to his Successors, who will Re-esta-
 * blish their Forces, and the Hatred will turn against
 * those who were so fond of laying hold on the Oppor-
 * tunity, and they will be Crush'd.

* 'Tis necessary for preserving the Liberties of Eu-
 * rope, that the two Houses shou'd Subsist and Flourish
 * so long as *Rome* and *Carthage* preserv'd their Power
 * entire; the World was free, but as soon as *Rome* was
 * permitted to Triumph over *Carthage*, the other Re-
 * publicks and Kingdoms became Provinces of the
 * *Roman* Empire. The two Houses of *Bourbon* and
 * *Austria*, for which the Blood of so many Thousand
 * Men has been shed, are the *Rome* and *Carthage* of
 * *Europe*, whose Liberty depends as much on their
 * preservation, as that of the whole World did on the
 * Safety of those two famous Republicks. And as Eu-
 * rope's Liberties depend on the Preservation of those
 * two Houses, so her Repose depends on a certain Pro-
 * portion and Equality of Forces, which ought to be
 * establish'd between both, so that while the one has
 * no Hopes of gaining Advantage of the other, they
 * will not be easily brought to Attraque one another,
 * but serve as a Rampart and Defence against one ano-
 * ther to the Inferiour States.

* In order to obtain this Equality, Endeavours must
 * be us'd to find out a true Estimate of the Strength
 * and the Weakness of either House, and not only the
 * Dominions of which each is compos'd must be con-
 * sider'd, but the Genius and Character.

* *France* is undoubtedly the best, and the most con-
 * siderable Kingdom in *Europe*. Its Provinces are all
 * Contiguous and Joyn together without any other ly-
 * ing betwixt their Boundaries to incommode them, so
 * that the whole forms a Noble Continent.

' The Fruitfulness of its Soil, the Number of its Ci-
 ' ties, the Multitude of its Inhabitants, their Active Geni-
 ' us, which is equally addicted to Arts, Commerce, Sci-
 ' ences and War, their firm Adherence to their Monar-
 ' chy, and the Race of their Princes for which they
 ' never refuse to Sacrifice their Lives and Fortunes, have
 ' always render'd this Kingdom formidable, even when
 ' her Boundaries were not so large as at present.

' Yet tho' they are now of a greater Extent, she is
 ' perhaps the less to be fear'd. Her own Grandeur lies
 ' upon her as a dead Weight, and Occasions such ne-
 ' cessities, as her Revenues are not able to supply;
 ' For *France*, by extending her Frontiers, and (if I
 ' may so speak it) by enlarging her Circle, has taken
 ' in Countries which she is oblig'd to keep against them-
 ' selves, instead of Drawing any Succours from them
 ' for the ease of her other Dominions. Formerly her
 ' greatest Armies, did not take away so many Men
 ' from Tilling the Ground, as are now indispensibly ne-
 ' cessary for her numerous Garrisons. Formerly
 ' Eighteen Millions were enough to fit out great
 ' Fleets to Sea; but now that Sum is scarce sufficient
 ' for the Security of her Harbours; Her ordinary
 ' Charge can no longer Subsist, but by such Efforts as
 ' her Subjects are not able to bear.

' The Provinces which compose the Dominions of
 ' the House of *Austria* take up infinitely more Ground
 ' than *France*, and some which are as fruitful and e-
 ' very whit as Populous,

' The Imperial Dignity, which raises this House a-
 ' bove others is Elective, and is not annex'd to it, but
 ' she has possess'd it for above two Centuries past, and the
 ' Use which she makes of it, and that long Possession
 ' which is become in a manner Hereditary, do abundantly
 ' Recompense all the Disadvantages in the Situation
 ' of her other Dominions

' The House of *Austria* may be call'd the Sovereign
 ' of *Germany*, she possesses those vast Fields of *Mars*,
 ' That inexhaustible Nursery of Warriors, The Ter-
 ' ror of the Ancient Masters of the World, They are
 ' the Posterities of those who made *Augustus* Weep for
 ' Despair, and often oblig'd the other Emperors to be

as it were their Tributaries. This House Governs and Determines them as she pleases, even without consulting them. If they are not her Subjects, they are at least so Devoted to her Will, and so accusom'd to defend her, that to Attack her is to establish its Rule over them, and to add new Forces to her.

Upon these Pictures, which I have neither Flatter'd nor Wrong'd, an Inquiry ought to be founded, which of the two Houses can form, or is best able to carry on for whole Ages, the most dangerous Enterprises against the Liberty of *Europe*, and 'tis that, which tho' it be Weakest, ought to be look'd upon as the Strongest.

I have said that, in order to establish this Equality, 'tis in the Power of Men to give, and necessary for them to make a true Judgment, of the Force and Weakness of both Houses. I have propos'd such Principles, as I think lead to it, and I do assert (as a Truth which needs not much Proof) that such a solid Estimate cannot be made till after the contending Houses, are brought to agree upon a Peace.

This wou'd be no difficult Enterprize either for all *Europe*, or for our Republick alone, if she would give her self the Honour to put it in Execution.

By this way of Arguing, so contrary to that of the late King *William*, the present Queen, and both Houses of Parliament, during all their Sessions from 1701 to 1711, you may easily discover the new System, and the new Way of Conceiving a Ballance of Power between both Houses. It is not however a *Dutchman* who speaks, but a Minister of *France*, who, under the Name of a *Dutchman*, endeavour'd in 1709, to amuse us with the Glory of a Secret and particular Negotiation, by which, upon separating from our Allies, they wou'd seem to have made us Arbiters of their Fate. The Piece* from whence I took this Extract, is not the first which that Author thought fit to Publish in our Provinces. In 1707, he took to himself the Title of a Counsellor of *Geneva*, and under that Name gave the

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Three

* 'Tis entitul'd *Reflections on the State of Europe*, is short, but very full. An Anonymous Author gave a very solid Answer to it. They were both Printed together in 1709, without the Name of the Bookseller, or place where.

Three Important Advices. 1. That *France* was our Ancient and best Friend. 2. That the House of *Austria* watch'd only for a proper occasion to invade us. 3. That we were raising within our selves a Power, whose Interest it is to deprive us of our Liberty, and wou'd take all opportunities to destroy us; That none but *France* could deliver us from the Danger, and that it concern'd us as we valu'd our own Safety, not to put her out of a condition to assist us against you in case of need. These Suggestions, and all the rest which *France* made use of to break us off from the Grand Alliance, were ineffectual; nay, they fill'd us with Indignation against those who Addressing us thus, thought us capable to abandon our Allies, for any particular Advantages that the Enemy cou'd offer us; perceiving then, that the Good Sense and Probity of the *Dutch*, render'd them Proof against such Arguments, *France* turn'd them upon *England*, where they were better relish'd than with us, tho' for what reason I know not. They prevail'd so much there in a little time, that the *English* came to propose the same System, and to defend it by the same Arguments. You have them Sir in the extract which I have Just now given you from one of the most dangerous Pieces which *France* got Publish'd among us, while she had any Hope to break us off from our Allies. The Author does not explain himself so particularly as to the Partitioning the Monarchy as they do now in *England*, but 'tis easie to be perceiv'd, that he has the same Superstructure in view, since he lays down the same Foundations, viz. That in order to restore an Equilibrium betwixt the Two Powers, and to secure the Liberty of *Europe*, we must strengthen the House of *Bourbon*, and weaken the House of *Austria*.

But in Truth his Arguments are more proper to give us an Aversion to his Sentiments than to make us agree to them. Does he think to perswade any Man, that now the Boundaries of *France* are more extended than formerly, she is the less to be dreaded? and that her own Grandure is a Dead Weight, which embarrasses and bears her down, and that by extending her Frontiers, and enlarging her Circle, she has Inclos'd Countries which she is oblig'd to defend against the Inhabitants,

tants, instead of drawing any Assistance from them? You your self, Sir, tho' you be of the strongest side, cannot believe this.

Are you fully convince'd of the force of this Argument, that the true Way to reduce the exorbitant Power of *France*, is to give her all she Demands, and considerably to enlarge her Dominions?

Are you fully perswaded, that when *Spain* and the *Indies* are taken from the House of *Austria* and given to the House of *Bourbon*, that the former will be in a better Condition than before, to Ballance the Power of the latter, and to protect the other Powers of *Europe* against her Designs?

Do you think it a Demonstration, that the House of *Austria*, which while she possess'd the whole *Spanish* Monarchy was not able to resist *France*, and found her self under a Necessity to press for the Assistance of the Two Maritim Powers, in order to preserve her Dominions, will be all on a sudden so reinforce'd, when above half of the Monarchy is taken from her, as to be able to secure and defend the Liberty of *Europe*? I'm almost ashamed to put such Queries to a Man of so much Sense, Wisdom, and Love to his Country, as you are reputed to be; but Passions are rais'd so high with you, that the most Demonstrable Truths, have as much need of being prov'd, as the most abstracted Notions.

How far was I Two years, or only a year and a half ago, from thinking that at this time, I should be oblig'd to prove to an *Englishman*, That the welfare of *Europe* did not consist in the weakning the House of *Austria*, and aggrandizing that of *Bourbon*, and that for establishing a Ballance of Power betwixt Them, *Spain*, and the *Indies*, was not to be taken from the former, and much less to be given to the latter?

The *French* Minister is in the Right to say, That in order to come to a true knowledge of an Equilibrium betwixt the two Houses, we must endeavour to get a good Estimate of the Strength and Weakness of both: But the Method which he proposes is not proper to come at it. 'Tis not by the Diversity of Provinces and Languages, or by the Extent of Dominions, that the Power of Princes is to be known; for if so, the Grand Seignior alone, wou'd be

be more Potent than all *Europe* together. Nor is it to be known by the Number or Majesty of Crowns, for Power and Dignity don't always keep pace together.

The Power of Princes is to be known, I. By the Greatness of their Revenues ordinary and extraordinary.

II. By the Richness and Extent of their Trade.

III. By the number of their Troops in time of Peace and War.

IV. By the State of their Marine and Naval Forces.

V. By the Number and Goodness of their Fortresses.

VI. By the unnecessary Expences which they defray.

VII. By their Victories and Conquests.

'Tis not necessary to enter into deep Inquiries, nor to know the Secrets of the Two Houses, to be convinc'd that the House of *Bourbon* has in all those Respects infinitely the Advantage of the House of *Austria*.

As to the first, this is not a proper place to Treat of Funds from whence the *French King* draws his Revenue, nor of the Time when, nor the Method how; I shall content my self to say in General, and I hope no *Frenchman* who understands these Affairs will deny it, That the fix'd Revenues of the King of *France* did in 1688, amount to near Sixty Millions of Crowns, and that the extraordinary Sums he has rais'd since that time, were never less than Forty Millions of Crowns; Nor will it be disown'd, that sometimes they exceed'd Two Hundred Millions, as at the time when he set up his Mint Bills, to which we must add the Capitation, and the Tenth Penny, which has chang'd the Constitution of the Finances, but certainly have not lessen'd them; in short, 'tis certain that the King of *France* does actually levy above a Hundred Millions of Crowns *per Ann.* Those of the Monarchy of *Spain*, were formerly valu'd at Thirty Six Millions of Crowns, including the Revenues of the *Indies*, *Naples*, *Milan*, and the *Netherlands*, and the Concessions or Grants upon the Clergy; but they have been so Alienated, Mortgag'd, and over Mortgag'd, that there is not a Man in the World, who can give a clear and certain state of them: As to extraordinary Revenues, the Kings of *Spain* have few more but free Gifts, which they

they obtain on certain occasions, and the half years of the Mortgag'd Revenues, which they detain in Cases of pressing necessity from those to whom they are Mortgag'd; but be that how it will, no King of *Spain* can ever be able to raise from his Dominions above Twenty Millions of Crowns *per Ann.* I am not so well able to give an Account of the Revenues of the House of *Austria* in *Germany*, but believe I am not mistaken if I say, they don't exceed Twenty Millions of Crowns *per Ann.* including all the extraordinaries; so that the Two Branches together, cannot spend above Forty Millions of Crowns *per Ann.* which in proportion to the Revenues of the House of *Bourbon*, makes only $\frac{1}{4}$ against $\frac{1}{4}$.

As to the Second Point, if we examine their Commerce, the proportion will be much the same: That of *Spain* is very little; that of *Naples* and *Sicily* still less; and that of the *Netherlands* nothing at all. The Treasures of the *Indies*, which Supply the Luxury of all *Europe*, don't enrich the *Spaniards*; If the Kings of *Spain* take no more of them than what's their due, they'll scarce be able to make a Million and $\frac{1}{2}$ of Crowns *per Ann.* by which we may easily Guess how much of it returns into the Commerce of *Spain*. I say nothing of the Hereditary Dominions of the House of *Austria* and *Germany*, because every one knows that they are not proper for Commerce, neither by their Situation nor Product. The Gold Mines of *Hungary* don't produce 15 *per Cent* profit to those who farm them; and if you except the Mines, and Cloth of *Silesia*, the rest signify nothing.

As to the Third Point, the House of *Austria* is so far from being equal to *France* in Number of Troops that all the Confederates together are scarce able to equal her, or at least not without extraordinary Efforts. 'Tis very well known that the King of *France* maintains Two Hundred Thousand Men in time of Peace, and Three Hundred and Fifty Thousand in time of War. The House of *Austria* when she made her greatest Efforts cou'd never exceed Two Hundred Thousand. The late King *Charles II.* in the last War, kept only Thirty five Thousand in *Spain*; Fifteen

teen Thousand in the Dutchy of *Milan*; Sixteen Thousand in *Naples*, *Sicily*, *Sardinia*, *Majorca*, and *Minorca*; Two Thousand in the places of *Tuscany*; and Twenty Thousand in the *Netherlands*; in all, Eighty Five Thousand. I know that the present Emperor has on Foot above a Hundred and Thirty Thousand Effective Men, of which a Hundred and Ten Thousand serv'd against *France*; but then it must be granted, That he exerts his utmost Efforts, and that he not only employs all the Revenues of *Italy*, but those of *Bavaria* for their Maintenance; and he has likewise been oblig'd to incredible Good Husbandry and Retrenchments of Expence. In the last place, I don't disown but that for about Sixty Years past, the House of *Austria* has in time of War maintain'd Two Hundred Thousand Men, and including the Troops of the Empire, above Two Hundred and Fifty Thousand; and I agree that she may entertain as many in time to come, provided the *Spanish* Monarchy be not taken from her. But what proportion is there betwixt Two Hundred Thousand Men dispers'd throughout *Europe*, and Three Hundred and Fifty Thousand Collected together in the Kingdom of *France* alone? Where then do we find this Exorbitant Power of the House of *Austria* against which we must take such Precautions?

As to the Fourth Point, perhaps it may be found in her Maritim Forces: How do we know but the Court of *Vienna* may equip a Fleet on the *Danube* capable to Bombard *Brest* and *Toulon*? For *Spain*, 'tis matter of Fact, that King *Charles II.* never had Fifteen Men of War together, and it is certain that the King of *France* had in 1689, a Hundred and Twenty of the finest Men of War in the World, Forty Five Gallies; and Arsenals, that were not to be match'd elsewhere.

V. The same thing should be said of the Fortified Places. There are to the Number of 130 in the Kingdom, the least of which is able to Hold Out against a Royal Army; and Sixty of them, are such Master-pieces, that they are justly admir'd by all that see them. I don't doubt but that the House of *Austria* have as many, and more, but the difference is, that those of
France

France lie so Contiguous, that they seem so many Bastions round its Continent, and the Court having its Residence fix'd in the Centre, is always near enough, to dispatch Orders, and send immediately the necessary Succours; whereas those of the House of *Austria*, are dispersed in *Spain*, at *Naples* in *Sicily*, in the Dutchy of *Milan*, in *Barbary*, in the *Low-Countries*, in *Hungary*, in *Transylvania*, in *Carimbia*, in *Austria*, in *Bohemia*, in *Silesia*, in the *Tyrol* on the *Rhine* and else where, which in some manner Bars any Communication, besides the Frontiers which are Guarded by these Places, are ten times of greater Extent, than those of *France*. And which is more, are to receive their Garrisons, out of Two Hundred Thousand Men, which is the All the House of *Austria* can keep: So that it were to be wish'd that these places were fewer in Number.

VI. Unnecessary Expences, don't at all Contribute to the greaness of Princes, but they may serve as Indexes, to form a Judgment thereon. Now there never was a Prince more Expensive, than his Most Christian Majesty, Witness the Magnificence of his Furniture, his sumptuous Pallaces and Gardens; the Lead only, whereof which is hid under Ground, (as is said) cost more than wou'd pay Fifty Thousand Men a Year entire. The Enchanting Festivals, of which we have seen so many lavish Descriptions; The prodigious number of his Domestick Officers; And the immense Riches which he has heap'd on those that have serv'd him, on themselves their Relations and Friends; The so much boasted Works of *Maintanon* and *Languedoc*, Mountains Levell'd, and Cannals Cut, for the Communication of Seas. And Lastly, The Vast Number of Pensions, which he gives to all Sorts of People, both within, and without his Kingdom, which amounts to more than Four Millions of Crowns. You'll find nothing like this in the House of *Austria*, not but they have great and Magnificent Hearts; but the continued Expences, of a Defensive and Indispensible War, has left them no Funds for such Magnificence.

VII. I have yet to speak of the Victories and Conquests, which Article alone, would require a Volume. I shall therefore not mention their Victories, the Enemies have themselves sufficiently taunted them,

them, both in Verse and Prose ; but I think my self Oblig'd to give you a short List of their Conquests. In this I shall not mention any of those Cities, or Provinces, which have been first Conquer'd, and afterwards Lost or Restor'd. Nor that those being Acquir'd by One Treaty, have been Restor'd by another. You shall not see in this, *Lorraine* Groaning Twenty Seven Years under the Yoak of *France* ; nor the half of our Provinces subjected in less than a Month ; nor *Sicily* submitted to his Most Christian Majesty by the Revolted People. No, in this List, you shall only see those Conquests, whereof his *Most Christian King* remain'd in full Possession, after the Treaty of *Ryswick*, whether such as have been Expressly granted him, or such as were not then thought proper to mention, or those that he has kept contrary to the Treaty.

From the Empire and the House of *Austria*, by the Treaty of *Muster*.

Metz, *Toul*, *Verdun*, *Moyenic*, and the Countries depending thereon ; the *Langravedom* of the Upper and Lower *Alsace*, and the Provincial Prefecture of Ten Imperial Cities, situate in *Alsace*.

Since and against the Treaty of *Munster*.

The Sovereignty over the Ten Imperial Cities, over all the Princes, Counts, and Free States of *Alsace*, and of all the *Fiefs* of the three Bishopricks.

From the House of *Bouillon-Auvergne* by a Contract of Change in the Year 1651.

The Sovereignty of *Sedan*, with the Town, the *Demesnes*, and all the Dependancies, provided that there should be an Equivalent, which was never made Good.

From the House of *Austria* by the *Pyrenean* Treaty.

Arras with the Government and *Bayliwick* ; *Hesdin* and its *Bayliwick* ; *Bethune* and its Government ; *Lilliers* and its *Bayliwick* ; *Lenz* and its *Bayliwick* ; The County of *St. Poll*, *Terouane* and the *Bayliwick* thereof ; *Pas* and its *Bayliwick* ; in short, all the Country of *Artois*, except *Aire* and *St. Omer*.

Gravelin, *Fort Philip* and its *Chatelanie*, or *Castleward*, *Landrecy*, *Quesnoy*, and their *Bayliwicks*, *Provostships* and *Castlewards*.

Thionville, *Montmedy*, *Dampvilliers*, with the *Appurtenances*

tenances, Dependances, and Countries Annex'd; The Provostship, of *Ivoy, Chavancy*, the Castle and its Provostship, the Town and Provostships of *Marville*.

Marientburg, Philippeville, and Avesne, between the *Sambre* and the *Meuse*.

All the County and * *Viguiery* of *Rouffillon*, on this side the *Pyrennees*: The County and *Viguiery* of *Confluence*, with the Country, Cities, Forts, Castles, Towns and Villages that Compose it; with Thirty three Villages of the Country of *Cerdagnia*, situate on this side the *Pyrennees*.

From the House of *Austria* against the *Pyrenean Treaty*, The County of *Charleroy*, with all the Appurtenances and Dependances.

From the House of *Austria*, by the Treaty of *London* the last of *October 1662*.

The Town and Citadel of *Dunkirk*, in the Condition they were then in.

From *Lorain*, by the Treaty of the last of *Feb. 1661*.

The County of *Clairemont*, with its *Demesnes*: The Towns, Provostships and Lands of *Stenai, Jamets*, and all their Territories; the Fort of *Sirk*, with Thirty Villages; the Forts and Posts of *Cosignan, Sarbourg* and *Phalsbourg*. That part of the Provostship of *Marville*, that belong'd to *Lorain*. The Sovereignty of the Abby of *Gorze*; the Sovereignty of the Fort of *Maletam*; all that could belong to the Duke of *Lorain*, in *Marcheville, Harville, Mabenville, and Mezeray*. The Sovereignty of *Sishef, Franshof, and Moutelen* on the *Saara*.

From the House of *Austria*, by the Treaty of *Aix la Chapelle*.

Doway, Fort Scarpe, Tournay, Lisle, Armentiers, Bergues St. Wenox and *Furnes*, with all the Extent of their Bayliwicks, Castlewards, Territories, Governments, Provostships, Appurtenances and Dependances.

From the House of *Austria*, by the Treaty of *Nimeguen* with *Spain*.

All the County of *Burgundy*, Comprehending the Towns

* *A sort of Magistracy in some of the Towns in France and Spain*

Towns of *Dole*, *Besançon*, *Grey*, *Salines*, and *Vesond*, with the Forts of *St. Ann*, and *Joux*, and more than One Hundred Twenty Market Towns and Villages.

The Towns and Forts of *Valeciennes*, *Bouchain*, *Conde*, *Cambray*, *St. Omer*, *Ipres*, *Wartwick*, *Warneton*, *Peringue*, *Balleul*, *Cassel*, *Bavay*, *Charlemont*, and *Maubeuge*, their Bayliwicks, Castlewards, Governments, Provostships, Territories, Demesns, Lordships and Countries annex'd.

From the House of *Austria*, by the Treaty of *Reswick* with *Spain*.

Seventeen Villages or Fiefs of the Provinces of *Hainault*, and Four Hundred Fifty others, of the Dependence of *Maubeuge* and *Quesnoy*.

From the Empire, by the Treaty of *Reswick*, with the Emperor and Empire.

The Town of *Strasburg*, and all that depend thereon, on the Left of the *Rhine*, and Fort *Lewis*, with the Isle of *Rhine*, in which it is situated

From *Lorian* by the same Treaty.

The Citadel of *Sar Lewis*, with a Territory of half a League in Circuit.

The City and Prefecture of *Longwi*, and Passage for the Troops of his Most Christian Majesty, thro' the Estates of his Royal Highness.

From *Lorian*, since, and contrary to the Treaty of *Reswick*.

The Forts of *Bitch* and *Homburg*, *Sarguemines*, *Saralbe* and *Boulai*, the Town of *St. Hippolite*, the promis'd Equivalent for the Prefecture of *Longwi*, and the Sovereignty of *Arches*.

All this Comprehends, Eight Sovereign Provinces, two Archbishopricks, Nine Bishopricks, Thirty of the Strongest Places in the World; Seventy Cities, towns, of which are reckon'd amongst the finest in *Europe*, and more than Three Thousand Market Towns or Villages: Is there any thing more wanting to make a Crown compleat, whose Friendship all the other Estates find themselves Interested to manage with Prudence.

Such

Such is the King, of whose being too much weaken'd you are so apprehensive ; such is the House, to which you will give *Spain* and the *Indies*, to make a Ballance of Power, between it and the House of *Austria*.

I know what you are ready to answer me, the Letters which you honour'd me with after the Death of the Duke of *Burgundy*, have prepossess'd me sufficiently ; I know you'll say, that the Death of the Emperor *Joseph*, has very much chang'd the Face of Affairs in *Europe*, and principally in relation to the Point of Ballance. That all those vast Dominions of the House of *Austria*, finding themselves Re-united with the Imperial Crown, in the Person of one Prince, will Form in him, a much greater Power than when they were divided into two Monarchies. And that this Change happening in the Things themselves, the same ought necessarily to follow in the Measures. You'll add, that there's no fear, that the Interest of *France* and *Spain* will be United ; that the most Christian King is now in the 74th Year of his Age, and probably can't live long. That in all appearance the Crown will descend to a Minor ; and the then Governing Regents (not having the same Authority, nor Forces, nor the same Revenues which the present King has) will have no further Views than to preserve the Kingdom entire, and won't think it advisable to trouble the Repose of *Europe*. That the Duke of *Anjou* on his side, will pursue a Plan of Politicks different from what has been already follow'd ; and will find himself necessitated to keep in with the Maritime Powers. That he'll Court their Friendship ; and to obtain it, will restore them the freedom of Trade, highly satisfy'd to enjoy peaceably the Crown which he has obtain'd. Would to God that this Appearance was real. But tho' the earnest Desire of a Thing, goes a great way to the believing of it ; yet I protest to you, I have no Notion of this. I comprehend clearly that the Monarchy of *Spain*, join'd to that of *Germany*, will form a new Monarchy equal in Power to the two former, But I do not conceive that by this Union, the New Monarchy will become more Powerful than the two were before. There are even a good many Reasons to fear the contrary. For the Cause why the Kings of *Spain* were not Powerful in Proportion to their Dominions, is, that the greatest part

of them, were distant from the Places of their Residence, and oblig'd to be govern'd by Vice-Roys : An Inconvenience which will be doubled in the Person of a single Monarch. I am willing to believe, that after the Example of *Charles* the 5th, he might divide his Residence, according to the Necessity, between *Germany* and *Spain* : But whatever his Prudence might dictate to him, to Act in that Regard, his Dominions wont be more Join'd, nor the People more Rich ; neither will Commerce be more Flourishing, nor the Fleets increase in Number : The Revenues wont be larger, nor the Exchequer less Engag'd. How then will it be more Powerful ! All that the Minister, Author of the Reflections, says on the Subject of the Imperial Dignity, concludes nothing. It's notorious, that it brings no Revenue to the Possessor ; and that it is not true, that the Emperor Moves, Agitates and Determines at his Pleasure the Estates of the Empire, even without Consulting them. The History of the two last Electors of *Cologne*, and that of the Elector of *Bavaria*, Son in Law to the Emperor *Leopold*, and Brother in Law to the Emperor *Joseph*, clearly prove the contrary. But this is not the Matter. The Question is, to know whether this Authority, such as it is, join'd as it has been for these 200 Years past, in the Hereditary Power of the House of *Austria*, in the two Branches of that Family, will make so great and excessive a Difference in the Balance of *Europe*, that to make the Ballance just, they must be oblig'd to take away a part from thence, and put it on the side of *France*. On which, without further Arguing, I refer my self to Truths known to all *Europe*, and I think Demonstrated in the seven preceding Articles. Is it not a Jest, to call that the lesser Power, which Oppresses the other ? Takes Towns and Provinces, and actually detains them ; and has carry'd on a War these ten Years past, too Powerfully, not only against the other Power mention'd, but against the Half of *Europe*, United for the Common Defence of their Liberty ?

If after this you would have farther Proofs, I'll give you the Opinion of those Potentates that made the Treaty in 1689. They were so far from thinking that the Union of the two Monarchies of the House of *Austria*, in the single Person of the Emperor of *Germany*, would make him

him too Powerful, that by the * Secret Article of the same Treaty, they oblig'd themselves to be Guarantees, for the Rights of the Emperor *Leopold*, to all the Monarchy of *Spain*; nor only for himself, but also for his Successors. And besides this, they promised their best Endeavours to procure King *Joseph's* Election to the Imperial Dignity of King of the *Romans*. This Treaty remain'd in Force during the whole War: And you have soon after the Treaty of Partition, in which other Measures were taken. That the Parliament of *Great Britain*, declar'd expressly for the Union of the Monarchy, in the Person of the Emperor *Leopold*, who preserv'd his Rights thereunto intire till 1703. when he made a Renunciation thereof, in Favour of the Archduke *Charles*, his second Son.

I am yet to answer you on the Consequences that you draw from the Childhood of the *Dauphin*, and of the Appearance there is of a Reign of Minority in *France*; as if thereby our Security was Re-established, and our Alarms over. I think that by this Minority, we should rather apprehend these two Crowns Uniting in one and the same Interest, than on the contrary expect to see *France* become indifferent for the Duke of *Anjou*, and the Duke of *Anjou* heartily Zealous for the Maritime Powers. I know, Sir, that all things are subject to Change; and more surprising Turns have been seen, than that of the Separation of the Duke of *Anjou's* Interest, and the Crown of *France*. But for my part I depend upon no such Change. I judge of Things to come by the present Time; and of the present Time by the Appearances: My Politicks reach no farther.

There are three Reasons principally, which ought to Engage *France*, to endeavour always to preserve an Authority in *Spain*: The First is, That the Riches of the *Indies* will thereby Circulate through the Kingdom, and exclude all other Nations. The Second is, The Disposal of all her Ports at Pleasure. And the Third is, The Dominion on the *Mediterranean*, and the facilitating thereby all his Designs, whether they be on *Italy*, *Africa*, or on the *Levant* Trade; or by Managing at the Court of *Rome*, whole general Influences are sufficiently Notorious.

Three other Reasons no less Powerful, ought to hinder the Duke of *Anjou* and his Successors, from separating their Interest from those of *France*. The One is, That that Crown finding it self interested to sustain him, he will always be secure of its succour. Another is, that by the Means thereof, he can easily Establish such an Arbitrary Government in *Spain*, as is already in *France*. And the Third is, That there is no Power in *Europe* which lies so Contiguous, either to do him much Good or Ill at so short a warning. *Charles* the 4th, Duke of *Lorraine*, did not love *Franco*, neither had he any Reason so to do; and yet he rarely fail'd of doing whatever that Crown would have him. And once he carry'd his Complaisance so far, as to make a Donation of all his Estates to the most Christian King. It's a general Rule, that any Prince who by the Situation and Weakness of his Dominions, is not able to resist another Prince his Neighbour, he ought to attach himself to that Prince's Interests, and engage his Favour by complying, and sacrificing every Thing to his Will. Fear, Weakness, Interest, Inclination, and Kindred, all concur to the same End, and equally engage the Duke of *Anjou*, to attach himself strictly to *France*, and to do whatever that Crown would have him. King *William* was a Prince of great Discernment in the Affairs of

In his Speech to the
Parliament the 11th of
January, 1702. N. S.
the last of his Life.

Europe, his Testimony will be here of great Weight. * By the French King's placing his Grandson on the Throne of *Spain*, he is in a condition to Oppress the rest of *Europe*, unless speedy and effectual Measures be taken. Under this pretence, he is become the real Master of the whole Spanish Monarchy; he has made it entirely depending on *France*, and disposes of it as of his own Dominions: And by that means has surrounded his Neighbours in such a Manner, that the Name of Peace may be said to continue, yet they are put to the Expence and Inconveniencies of War. This must affect *England* in the nearest and most sensible Manner, in respect to our Trade, which will soon become precarious, in all the valuable Branches of it; in respect to our Peace and Safety at Home, which we cannot hope shall long continue; and in respect to that Part which *England* ought to take, in the Preservation of the Liberty of *Europe*.

Experience has prov'd the Truth of this Wise Discourse, and it will be made more apparent in the Time to come, if Care be not taken whilst it may, to wrest out of the Hands of *France*, that part of the Monarchy of *Spain*, which the Duke of *Anjou* Rules at present. I am satisfy'd to believe, that during a Minority, the Maxims of that Crown will be less active, and will be less sensible to the rest of *Europe*. I'll believe that the Good Will and Pleasure of the Regents, let them be who they will, will not be so forcible as that of *Louis* the Great, to Open the Purse of the Kingdom. In short I'll believe that the Minority may procure us some Peace; but then that Peace will last but ten or twelve Years at most: After which a new King will appear upon the Throne, equally Ambitious and Undertaking as his Predecessors. A long Peace will have resill'd his Exchequer. Trade will have brought Plenty into his Dominions, and his People will have forgotten their past Miseries. Old Maxims will be then new vani'd up. The Seas will be cover'd with Fleets, and the Fields with Armies. And according to all appearance, They then will crush Us, either all together, or one after another. Heaven of its Divine Goodness, ward this Presage from our Heads, and restore in us the Spirit of Union, Strength and Courage, which is now more necessary than Ever.

Here is a Letter of an extraordinary Bulk. At first I did not design it so long, but the Matter is of too great Extent and Importance for a few Words. Of the fifteen Articles of the Queen's Speech, I have only sent you my Thoughts on Four; the others may be the Subject of a second Letter, if God gives me Life, and my Business Leisure enough to write. In the mean time we shall see what turns there will be in Affairs. They have alter'd much since I began to write to you. If I remember well it was on the first of *July*, and now it's the tenth of *August*. For since I am uncertain when this may come to your Hands, I would willingly have you know precisely when it was written.

I am perfectly, SIR;

Your s, &c;

L. E. T.

LETTER B.

LAW XII.

THAT the most Christian Queen of *France*, *Anne*, her Children and Issue by her Marriage with the most Christian King *Lewis XII* shall not be capable of succeeding in the Kingdoms of *Spain*, or their Dependencies, unless in such Cases as this Law assigns. Publish'd at *Madrid*, *June 3. 1619.*

In the Articles of Marriage between the most Serene Prince, our very dear and well-beloved Son, with the most Serene Princess *Elizabeth*, and that between the most Serene Infanta *Anne* and *Lewis XIII.* the most Christian King of *France*, which were concluded in this Town of *Madrid*, on the 22d of *August*, 1612, there are two Articles of the following purport.

That whereas, their Catholick and most Christian Majesties, have, and do agree to those Matches, to the end the double Bond of them may perpetuate, and the better secure the publick Peace of *Christendome*; and such love and Brotherly Affection between their Majesties, as is to be wish'd for: And in Consideration of the said just Motives, which make out and demonstrate the Conveniency of these Matches, through which, with the divine Grace and Assistance, happy Consequences may be expected, to the great Benefit and Advancement, of the Christian Faith and Religion, and to the publick Benefit of the Kingdoms, Subjects and Vassals of both Crowns; and for as much as it concerns the publick Good, and the Preservation of the said Crowns, that being so great, they should not be United, and for preventing the Occasions that may happen, of Uniting them; as also on Account of the Equality and Conveniency aim'd at, and for other just Reasons; it is agreed by mutual Contract, which their Majesties will have to bear the Force and Vigor of a Law, Establish'd in behalf of their Kingdoms, and of the publick Weal of them, that the most Serene Infanta *Anne*, and the Children she may have, Males and Females, and the Issue of either of them, as well the First-born

born as the Second, Third, Fourth, and so forward in any degree whatsoever for all Time to come, may not succeed, or be capable of succeeding in the Kingdoms, States, and Dominions of his Catholick Majesty, nor in any of the other Kingdoms, States and Dominions, Provinces, and adjacent Islands, Fiefs, Garrison Places, or Frontiers, which his Catholick Majesty at present holds and possesses, and which do or may belong to him, as well within *Spain* as without it; or which his Catholick Majesty and his Successors, may hereafter have and possess, and may appertain to them, or in all that is comprehended, included, or depending on them, nor in all that shall at any Time be acquir'd, or added to the said Kingdoms, States and Dominions, or shall be recover'd or devolve on any Title, Right, or Cause whatsoever, notwithstanding it should happen during the Life of the said *Infanta Anne*, or after her Death, during the Life of any of her Descendants, whether first, or second Born, or more remote; and tho' the Case or Cases should happen, wherein, according to the Rights, Laws, and Customs of the said Kingdoms, States, and Dominions, and to the Rules and Dispositions, by which it is usual to succeed, or pretend to succeed in them, the Succession should belong to them; for the said most Serene *Infanta*, and all her Children, and their Descendants, whether Males or Females, are from this Time declar'd to be Excluded from the said Succession, and from all Hopes of succeeding in these said Kingdoms, States, and Dominions, notwithstanding they shall and may say and pretend, that the Motives of the common Cause, or any other, on which this Exclusion might be groundd, do not concur, or cannot be consider'd in their Persons. And that in case, which God forbid and avert, that the Line of his Catholick Majesty should fail, and that of the most Serene Princess and *Infanta*, and of the other Children he has, and may have, and of all the Lawful Successors any way whatsoever, yet as has been said, they shall on no Account, nor at any Time, succeed, or pretend to succeed, notwithstanding the said Laws, Customs, Ordinances, and Dispositions, by virtue of which, others have succeeded and do succeed in all the said Kingdoms, States, and Dominions, and notwithstanding any Laws and Customs of the Crown of
France

France, which are against this Exclusion, to the Prejudice of its Successors, as well for the present, as for those Times and Cases, to which the said Succession may relate: All which, and every one of them, their Majesty's are to derogate and abrogate, as far as they are opposite to, or obstruct the Contents of this Article, and the Execution of it, and by approving of this Capitulation, they do derogate, and look upon them as derogated. And that the said *Infanta* and her Issue, are, and be, understood to remain excluded, so as they may in no Case, or Time succeed in the *States*, and *Low-Countries* of *Flanders*, and the County of *Burgundy* and *Charolois*, with all the Appurtenances and Dependencies thereof, which were by Gift of his Catholick Majesty, assign'd to the most Serene *Infanta Elizabeth*, and are to revert to his Catholick Majesty and his Successors. But it is also expressly declar'd, that in case the said most Serene *Infanta* should happen to be left a Widow, of this Marriage, without any Issue, which God forbid and avert, that then she be free from the said Exclusion, and capable of succeeding in all that may belong to her, and that upon two Conditions; the first, if being left a Widow of this Marriage, and without Children, she should return into *Spain*; the other, if in Consideration of the publick Good, and upon just Motives, she should Marry again, with the Consent of the Catholick King her Father, and the Prince of *Spain* her Brother, in which Cases, she shall remain capable and Entitled to succeed and inherit.

That the most Serene *Infanta Anne*, as soon as she is Twelve Years of Age, and before the Celebrating and Contracting of the Marriage, shall sign an Instrument, obliging herself and her Successors, to observe and fulfil what is said above, and to the Exclusion of herself and her Issue, approving the whole, and in the manner as it is contain'd in this Capitulation; with the necessary Clauses; and upon Oath, inserting this Capitulation in the Instrument of Obligation and Approbation, which her Highness shall sign; She shall also pass such another Decd jointly with the most Christian King, as soon as Married to his Majesty, which shall be Register'd and Enroll'd in the Parliament of *Paris*, in due Form and with the usual Validity; and his most Christian Majesty

they shall approve of the said Renunciation and Ratification, in the usual Form and Manner. And whether the said Renunciations, Ratifications, and Approbations be made or not made, they are from this Time, by Virtue of this Capitulation, and of the Marriage that shall ensue pursuant to it, look'd upon as actually made and granted.

And in Execution and Accomplishment of the two said Articles above inserted, the said most Serene *Infanta Anna*, Queen of France, pass'd a Deed in Confirmation and Ratification of all that is in them contain'd, that they might be inviolably observ'd and fulfill'd, as more fully appears by the said Deed, which was passed and signed in the City of Burgos, October 16. 1615.

And for as much as the Kingdom assembled in the Cortes, in those which were held in the Year 1616, being desirous that what is contain'd in the said Articles, may be observ'd and fulfill'd, in the manner as in them contain'd, has intreated us, to order and cause a Law to be promulgated, to the end that what has been said may have its full Effect. Our Council having taken it into Consideration, it was resolv'd, that we ought to command, and we do command, that what is contain'd in the said Articles and Deed, be observ'd, fulfill'd, and executed perpetually, pursuant to, and in the same manner, as it is contain'd in the said Articles above inserted. *

* *Nueva Recopilacion* lib. 5. Tit. 7. l. 12.

The Reference to the Collection of the Laws.

LETTER C.

Letters Patents granted by the most Christian King to the Duke of Anjou, to secure his Right of Succession to the Crown of France, for himself and his Successors.

LEWIS by the Grace of God, King of France and Navarre, to all present and to come, **HEALTH.** The Blessings it has pleased God to heap on us, during the Course

Course of our Reign, are to us as Motives to apply ourselves, not only for the Present, but for the Time to come, to procure the Happiness and Tranquility of the People, Divine Providence has appointed us to Govern. *His unsearchable Judgments do only make us sensible, that we are not to place our Confidence, either in our Strength, or in the Extent of our Dominions, or in a numerous Posterity; and that those Advantages, which we receive solely from His Bounty, have no other Solidity, than what it pleases him to give them.* Nevertheless, since it is the Will of God, that the Kings he makes Choice of to Rule his People, should at a distance foresee such Accidents as are capable of occasioning Disorders and the most bloody Wars, and that, in Order to prevent them, they should make use of those Lights his Divine Wisdom bestows on them, *We fulfil his Designs,* whilst in the Height of the universal Rejoycing throughout our Kingdoms, we reflect, *as a thing possible, on a dismal Consequence, which we beseech God for ever to avert.* At the same Time, when we accept of the last Will of the late King of Spain, when our dearest and most entirely beloved Son the DAUPHIN, renounces his lawful Rights to that Crown, in Favour of his second Son, the DUKE of ANJOU, our Dearest and most entirely beloved Grandson, *appointed by the late King of Spain his universal Heir;* when that Prince, now known by the Name of PHILIP V. King of Spain, is ready to enter into his Kingdom, and to answer the eager Vows of his new Subjects; this mighty Event does not hinder us from looking beyond the present Time; and at a Time when our Succession seems to be best secur'd, we think it is equally the Duty of a King and of a Father, to make known our Will for the future, pursuant to the Notions inspir'd by those two Qualifications. *Being therefore fully perswaded, that the King of Spain, our Grandson, will ever retain the same Affection and the same Sentiments, he has given us so many Instances of, towards us, towards our House, and towards the Kingdom where he was Born; and that his Example uniting his new Subjects with ours, will create perpetual Amity, and the most perfect Correspondence between them;* We should also believe, *we did him a wrong we are not capable of, should we from henceforward*

look

look upon a Prince, we give up at the unanimous Request of the *Spanish Nation*, as a *Stranger*.

For these Reasons and other weighry Considerations us thereunto moving, &c. We have by these Presents, Sign'd with our own Hand, said, declar'd and ordain'd, do say, declare, and ordain, and it is our Will and Pleasure, that our Dearest and most entirely Beloved Grandson, the King of *Spain*, shall always retain his *Birth-Right*, in the same manner, as if he had his actual Residence in our Kingdom. Thus our Dearest, and most entirely Beloved Son the DAUPHIN, being the true and lawful Heir and Successor of our Crown and Dominions; and after him, our Dearest and most entirely beloved Grandson, the DUKE of BURGUNDY, if it should happen, which God forbid, that our said Grandson the Duke of Burgundy should happen to dye without Issue Male, or that those he may have in good and lawful Wedlock, should dye before him, or that the said Male Children should leave no Issue Male born in lawful Wedlock; in that Case, our said Grandson, the King of *Spain*, taking the Advantage of his *Birth-Right*, shall be the true and lawful Successor of our Crown and Dominions, notwithstanding his being then absent, and residing without our Kingdom, and immediately after his Decease, his Heirs Males, got in lawful Wedlock, shall come into the said Succession, notwithstanding their being born and residing without our said Kingdom. It being our Will, that our said Grandson, the King of *Spain*, nor his Issue Male, shall not for the aforesaid Reasons, be look'd upon, or reputed the less entitled, or capable to receive the said Succession, or any other that may fall to them in our said Kingdom.

On the contrary, it is our meaning, that all Rights, and in general all other Things, which might at present and for the time to come belong, or appertain to them, be and remain perfectly and entirely preserv'd, as if they had continually dwelt and resided within our Kingdom till their Death, and that their Heirs had been Natives and Inhabitants of it, and to that effect, as far as is or may be requisite, we look upon them as capable and dispens'd with, and do capacitate and dispense with them by these Presents. SUCH IS OUR WILL, &c. Given at *Versailles*, in the Month of *December*, of the Year of Grace, 1700.

and

and of our Reign 58. Sign'd Lewis. And Counterfign'd,
by his Majesty's Command, PHELYPEAUX, &c.

Register'd in Parliament, February 1. 1701.

Sign'd, DONGOIS:

LETTER E.

An Act of Renunciation, made the Second of June, 1660. at Fuenterrabia, by the Infanta Mary Teresa, as well in regard to what might belong to her, of the Inheritance of the Queen her Mother, as of that of the Catholick King her Father, in Relation to particular and Domestick Goods.

THE Lady *Maria Theresa*, Infanta of both the *Spains*, and by the Grace of God future Queen of *France*, the eldest Daughter of the most High, most Excellent, and most Potent Prince, *Philip* the Fourth, Catholick King of the *Spains*; and of the most High, most Excellent, and most Puissant Princess, *Isabella*, Catholick Queen, who is in Glory: Be it known and manifest by this Instrument, and Act of Renunciation, and the rest contained therein, to all those to whose Knowledge it may come, be it in what manner it will; That by the Second and Fourth Articles of the Treaty of my Marriage, as promis'd to the most High, most Excellent, and most Potent Prince, *Lewis XIV.* the most Christian King of *France*, which was concluded in the *Isle of Pheasant*, in the River of *Bidassoa*, the Boundary of the Province of *Guipuscoa*, and the Confines of these Kingdoms with that of *France*, on the 7th of Nov. in the Year 1659. It hath been resolv'd and concluded on, That the King my Lord, (for and in Consideration of this Marriage, and to the end that I may have my Portion, and my own Effects with me) hath promis'd to give me Five Hundred Thousand Crowns in Gold, which should be paid and delivered at the place, and at such times

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LETTER D.

N. B. It has not been thought fit to look back in this Table, as far as the Emperor Charles V. because it would be of no use. This, in few Words, is all that could have been said of it. Charles had two Daughters, who were married, and left Children. Mary marry'd Maximilian II. was Wife to John, Prince of Portugal. Mary had nine Sons, who all dy'd without Issue; and six Daughters, whereof only two had Children. Anne, the Eldest, was marry'd to Philip II, King of Spain, and Mother to Philip III. Isabel or Elizabeth, the Youngest, was married to Charles IX, King of France, and had no Children. As for the Princess Jane, who married the Prince of Portugal, she had but one Child, which was the unfortunate K. Sebastian, kill'd at the Battle of the three Kings in Africa, and never marry'd.

CATHERINE,
the Infanta, married in 1585, to Charles Emmanuel I. Duke of Savoy.

Victor Amadeus,
Duke of Savoy.

Charles Emmanuel II,
Duke of Savoy.

Victor Amadeus,
the present D. of Savoy.

Emanuel Philibert,
Pr. of Carignan dy'd in 1709.

N..... N.... N....
Prince of Carignan.

Thomas Francis,
Prince of Carignan, call'd Pr. Thomas.

Lewis Thomas,
Count of Soissons.

Franc. Eugene, Prince of Savoy, Generaliss. of the Empire.

Eugene Maurice,
Count of Soissons.

Louisa Christina, married to Ferdinand, Prince of Baden.

Lewis, Pr. of Baden, Generalissimo of the Empire.

Mary Adelaide marry'd to the Duke of Burgundy, + Feb. 12. 1712. She had none.

N.....
Duke of Arjo, now Dauphin.

Mary Louisa, marry'd in 1701 to the D. of Anjou, who holds the Crown of Spain, has Renounc'd.

N.....
pretended Prin. of Asturias born August 23. 1707.

Philip Joseph, Prince of Piemont.

N.....
pretended Infant born Jan. 7. 1712.

N.....
Duke of Anjou.

N.....
Princess of Savoy.

Emanuel, Prince of Savoy.

N.....
Prince of Savoy.

Charles Joseph, Prince of Baden.

The Posterity of the Infanta Catherine.

A GENEALOGICAL TABLE of the Princes and Princesses that

atherine.

Margaret,
marry'd in 1608
to Francis de Gon-
zag, Duke of
Mantua.

Elizabeth,
marry'd in 1688
to Alphonso d'Este
III. Duke of
Modena.

Christina,
d to Ferdi-
Prince of

Mary,
marry'd in 1677
to Char. Gonzaga,
D. of Ratibela.

Eleanor,
marry'd in 1651
to the Emperor
Ferdinand III.

Francis I.
Duke of Modena

LEWIS XIV.
present King of
France.

Lewis,
of Baden, Ge-
llimo of the
re.

Charles Gonza-
ga III,
D. of Mantua.

Eleanor Mary,
marry'd in 1678
to Charles V. D.
of Lorrain.

Alphonso IV.
Duke of Modena

Lewis,
Dauphin, died
April 24. 1711.

Charles Joseph,
of Baden.

Ferd. Charles,
last D. of Man-
tua, dy'd with-
out issue.

Leopold Joseph
present Duke of
Lorrain.

Joseph John,
Elect. of Treves,

N... N...

Francis II.
present Duke of
Modena.

Lewis,
Duke of An-
gundy, and after
Dauphin, dy'd
Feb. 28. 1712.

Philip,
Duke of Anjou,
now possess'd of
Spain, and the
West Indies, has
two Children.

N.....
Duke of Berry.

N..... N..... N..... N.....

N.....
Duke of An-
jou, now Dau-
phin; born
Feb. 15. 1710.

N.....
pretended Prin-
ce of Asturias, born
Aug. 35. 1707.

N.....
pretended In-
fant; born
June 7. 1713.

A GENEALOGICAL TABLE of the Princes and Princesses that

Margaret,
marry'd in 1608
to Francis de Gon-
zaga, Duke of
Mantua.

Eleanor,
marry'd in 1651
to the Emperor
Ferdinand III.

Eleanor Mary,
marry'd in 1678
to Charles V. D.
of Lorraine.

Leopold Joseph Joseph John, N... N...
present Duke of Elect. of Treves,
Lorraine.

N..... N..... N..... N.....

Elizabeth,
marry'd in 1688
to Alphonso d'Este
III. Duke of
Modena.

Francis I.
Duke of Modena

Alphonso IV.
Duke of Modena

Francis II.
present Duke of
Modena.

LEWIS XIV.
present King of
France.

Lewis,
Dauphin, died
April 24. 1711.

Lewis,
Duke of Bur-
gundy, and after
Dauphin, dy'd
Feb. 28. 1712.

Philip,
Duke of Anjou,
now possess'd of
Spain, and the
West Indies, has
two Children.

N.....
Duke of Berry.

N.....
Duke of An-
jou, now Dau-
phin; born
Feb. 15. 1710.

N.....
pretended Prin.
of Asturias, born
Aug. 25. 1707.

N.....
pretended In-
fante; born
June 7. 1712.

MARY ADE-
LAIDE,
married to the
Duke of Burgun-
dy, February 12.
1712. She had
renounc'd.

NB. The Children
served, because they
Order of Succession,

pretend to the Succession of Spain, by Right of Blood, and of all those that are excluded by Renunciation

Posterity of

ANNE,
Infanta, married in
1615. to **Louis XIII.**
King of France. She
renounced plainly
and simply.

the Infanta Anne.

PHILIP,
of France, Duke
of Orleans, left
three Children.

ANNE,
of Orleans, married in
1684. to **Victor Ama-**
deu, Duke of Savoy.

ELIZABETH
CHARLOTTE,
married in 1698. to
the Duke of **Lorraine.**

PHILIP,
Duke of Orleans,
he has Three
Children.

MARY ADE- LAIDE, married to the Duke of Burgun- February 12. 12. She had nounc'd.	MARY LOU- ISA, married in 1701. to the Duke of Anjou, who holds Spain and the West Indies. She also renounc'd.	PHILIP JOSEPH, Prince of Pie- mont.	N..... Duke of Aosta.	N....	N....	N....	N...	LEWIS, Duke of Chartres.	CHARLOTTE AGLOE, call'd Madem- oiselle de Valen.	N..... call'd Ma- demoiselle de Mont- pesier.
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NB. The Children of these two Princesses are not here in-
ed, because they must be extinct before they could come in
er of Succession, tho' they had not renounc'd.

of all those that are excluded by Renunciation

PHI

Had four Wives, and left several Children
were Catherine born of Eliz. of France,

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Posterity of the Infantas Mary
Teresa and Margaret Teresa.

PHILIP,
of France, Duke
of Orleans, left
three Children.

ELIZABETH
CHARLOTTE,
married in 1698. to
the Duke of Lorraine.

PHILIP,
Duke of Orleans,
he has Three
Children.

N.... N.... N....

LEWIS,
Duke of
Bourbon.

CHARLOTTE
AGLOE,
call'd Mademoiselle de Valois.

N.....
call'd Ma-
demoiselle
de Mont-
pensier.

MARY TERESA,
married in 1660. to
Lewis XIV. King of
France, she renounc'd.

MARGARET TERESA,
married in 1666, to Leopold,
the Emperor, left but one
Daughter.

CH
died
with

LEWIS,
Dauphin of France,
died, April 14. 1711.
left three Sons.

MARY ANTOINETTE,
married in 1685, to Maximil.
Eman. El. of Bavaria. She re-
nounc'd. Her only Son was,

LEWIS,
D. of Bur-
gundy, and
afterwards
Dauphin;
died, Feb.
18. 1712.

PHILIP,
Duke of Anjou, holds
Spain and the West-
Indies. He has Two
Sons.

N.....
D. of Ber-
ry, marri-
ed, but as
yet has no
Children.

JOSEPH FERDINAND,
Electoral Prince of Bavaria,
Born in 1692. died in 1699.

N.....
D. of An-
jou; and
now Dau-
phin. Born
February 15.
1710.

N.....
pretended Prince of
Asturias. Born August
25. 1707.

N.....
pretended
Infante;
born June
7. 1712.

PHILIP II.

and left several Children: Those who had any Issue
of Eliza, of France, and Philip born of Anne of Austria.

PHILIP III.

married *Margaret* of Austria, by whom he had three Children.

PHILIP IV.

had two Wives by whom he left three Children.

Mary Teresa.

TERESA,
to Leopold,
but one

CHARLES II.
died November 1.
without Issue.

NETTE,
to Maximil.
ia. She re-
y Son was,

DINAND,
of Bavaria,
d in 1699.

Posterity of the

MARY.

Infanta, married in 1631, to Ferdinand III. Emperor; by whom she had,

Infanta Mary.

LEOPOLD I.

Renounc'd, September 1. 1703. in favour of his Son *Charles*. He died May 5. 1705. leaving five Children; viz.

MARY ANNE.

Married to Philip IV. King of Spain, by whom she had *Margaret Teresa* and *Charles II.*

JOSEPH I.

Emperor, renounc'd September 12. 1703, in favour of his Brother *Charles*, and died April 12. 1711. leaving two Daughters, viz.

MARY ELIZABETH.

Arch-Duchess; born Septem. 13. 1686.

MARY ANNE.

married in 1709 to John II. King of Portugal. Has by him,

CHARLES VI.

Emperor, and King of Spain.

MARY MAGDALEN.

Arch-Duchess, born March 26. 1689.

MARY SO- SEPHA,

Arch-Duchess, born December 6. 1699.

MARY A- MELIA,

Arch-Duchess, born October 22. 1701.

N.....

Infanta of Portugal, born December 4. 1711.

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times as specify'd in the said Article, to the most Christian King, or the Person authoriz'd by him; and that I ought to be content with that, and hold my self satisfy'd, for all or whatever Rights to, and Pretensions that do or may for the present or future appertain to me, upon the Goods and Inheritance of the Most Serene Queen *Isabella* my Mother, and the future Succession to the King my Lord (whom God preserve) and every thing that might belong and appertain to me, as a Daughter and Heir of their Catholick Majesty's, and for their Right and Sovereignty, and any other Title whatsoever, thought or unthought of, known or unknown, as well for the paternal as maternal, direct or collateral Line, mediately and immediately, and which before the Celebration of the Marriage, in direct Words, I should yield, and renounce all my Rights and Pretensions to the King my Lord, and those authoriz'd by him, in such manner as his Majesty shall think fit and most agreeable, according as it is more particularly stipulated and declared in the Second and Fourth Articles, which I have read and heard read several times, before I gave my consent to the Contents of this Instrument, which I am willing should be inserted, and put in Letter for Letter, and Word for Word; the Tenor of which here follows:

II. That his Catholick Majesty does promise and oblige himself to give, and that he will give to the Most Serene Infanta *Maria Theresa*, for her Marriage Portion to the Most Christian King of *France*, and will pay to his Most Christian Majesty, or to those authoriz'd or commission'd by him, Five Hundred Thousand Crowns in Gold, call'd *Sun* Crowns, or their just value, in the City of *Paris*; and this Sum shall be paid in the following manner, *viz.* one third at the time that the Marriage is consummated; another third part at the end of the Year after the said Consummation, and the last third six Months after: Insomuch, that the whole payment of the Five Hundred Thousand *Sun* Crowns of Gold, shall be performed in 18 Months time, at the Terms and in such Proportions as are here specify'd.

IV. The Most Serene Infanta *Maria Theresa*, upon condition that effectual Payment be made to his Most Christian

Christian Majesty, or to the Person impower'd to receive it, according to his Order, of the said Sum of Five Hundred Thousand Crowns in Gold, or the just value of them at the Terms before-mention'd, will be content, and contents her self with the said Portion, without any Reservation of Action of Right to demand, or pretence that any Goods or Rights appertain or ought to appertain to her, upon the Inheritances of their Catholick Majesty's her Parents ; whether in reference to their Persons, or any other manner whatsoever, or some other Title known or not known ; because she ought to be *excluded of all, be they of what condition, nature or quality they can be* : And before the Betrothings are compleated, she shall make a formal Renunciation of them, with all the Assurances, Stabilities and Solemnities that are requisite and necessary ; the which she shall do before she is marry'd by expresse Words ; and afterwards she shall approve and ratify the same, in Conjunction with the Most Christian King, as soon as her Marriage shall be celebrated, with the same Assurances and Solemnities with which the first Renunciation was done, and such as may seem most proper and needful ; to which his Most Christian Majesty and her Highness ought, and are oblig'd to be bound from henceforwards : And that in case they do not perform the said Renunciation and Ratification, *they shall be taken for Facts, and Things done from that time forward, only by virtue of this Treaty* ; the which ought to be done in the most efficacious and proper Form that can be, in order to the validity and firmness of them, with all the Clauses, Derogations and Abrogations of all the Laws, Usages, Customs, Arrests and Constitutions whatsoever, that are contrary thereto, or may in part or in the whole obstruct the same ; from which for this end *their Catholick and Most Christian Majesty's ought to derogate ; and 'tis understood they do from this time derogate from the same, by their approving of the present Treaty.*

And as by the Grace of God I find my self in the Age of Maturity, being above 20 Years old ; and that if it please God, our Marriage is shortly to be compleated by expresse Words ; and that I am satisfy'd, appriz'd and inform'd to my entire Satisfaction, of the Substance and

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Effect of the Articles, and do, and have acknowledged, that I could not, out of the future Succession of the King my Lord, and the Inheritance of the Most Serene Queen my Mother, reckon that the said Sum of Five Hundred Thousand Crowns belong'd or in rigour appertain'd to me, as for my Lawful Heritage; and that if the same had belong'd to me, it's a very competent Portion, and the greatest that had hitherto been given to any Infanta of *Spain*, and which the King my Lord has been inclined to make so large, in order to gratify me, and in Consideration and Contemplation of the Most Christian King's Person, to the end that by the means of this Marriage, the Effects mention'd in the said Treaty of Marriage might be obtained, which are of so much Importance for the publick Benefit of *Christendom*, and the Content and Satisfaction of these Kingdoms: Wherefore I do of my certain Knowledge, and free Will and Pleasure, approve and require, that what has been resolved on and concluded by the said two Articles, be observed and accomplish'd; and that it be understood, that this Marriage ought to be concluded and perfected upon the Conditions therein contain'd and declar'd; and that without such Conditions, it would not have been brought to the pass it's now in; and that from henceforward, I hold my self contented; and that I am entirely and absolutely paid and satisfy'd, as to every thing that appertains or could appertain to me, at present or for the future, in respect to any Right, known or unknown, in the future Succession and Inheritance of their Catholick Majesty's my Parents, and upon account of any share in my Father and Mother's Estate, or by way of support, or maintenance, or Portion, as well in respect to their free Possessions, as those of the Crown of their Kingdoms, Estates and Signories; without reserving to my self or mine, any Complaint or Pretension against or upon his Majesty, or his Successors, to demand or pretend that I ought to have a larger Sum, or a Portion of greater value and consideration than the said Five Hundred Thousand Crowns. And my Will is, That this Renunciation shall also extend to any other Rights or Pretensions whatsoever, that might belong or appertain to me by Inheritance, or Succession of any Right or Kindred,

dred, in a right or Collateral Line, by my self or by other Persons, as their Majesty's Daughter : And I abandon and quit all of them, both the one and the other, of what condition, nature, quality, value and importance they may be ; and yield, renounce and transfer them to the King my Lord, and his Heirs, universal and singular Successors, that shall have his Rights ; to the end he may be able to dispose of them as he pleases, and it seems good in his sight, as well by Gifts while alive, as by his Legacies in his last Will and Testament, without any Obligation upon his Majesty, to constitute or leave me his Heir or a Legatee, or to make any mention of me : For I do in respect to the things aforesaid declare my self, and that I ought to be held and reputed a Stranger ; and as such I ought to have no Resource left, so as to have power to make any Claim, or to prefer any Complaint, notwithstanding the Inheritance his Majesty my Father shall leave, may be of very great and so considerable value and importance, that out of the same there might appertain to me, as one of his Children, as we are at present, or shall be for the future, a much greater Sum than the said Five Hundred Thousand Crowns, be the same never so great and extraordinary : And that tho' it should so happen (which God forbid) that I should at the time of his Death remain and become his only Daughter, by reason of the death of my Brothers, and other his lawful Descendants before him ; and to the end that no Demands may be made nor pretended to for me, or in my name, nor in the Right of my Person, of any other greater share of the Estate and Inheritance of the King my Lord, in any Case or upon any Account whatsoever ; I do promise that I will not consent nor allow, at any time, nor upon any occasion, under any pretence whatsoever, that any thing shall be done against this my Renunciation, and relinquishing of my said Rights, Claims, or Pretensions. And I do withal relinquish and renounce all and every ordinary and extraordinary Remedies whatsoever, that do or may appertain to me, by common Courte and the Laws of this Kingdom, or special Privilege, and particularly that of Restitution ad integrum, grounded upon the defect of my Age, enormous or very enormous damage, by saying the Portion should have been the cause of this Contract, or upon the

the uncertainty of what I renounce ; to the end that none of the said Remedies and above-mentioned Resources may or can serve by way of Justice or Suit ; neither can they, for my self, my Children and Heirs, be heard and all allow'd of ; and we are forbid and hinder'd Access so as to bring on and to propose them judicially or extrajudicially, either by way of Grievance, Reserve or simple Complaint ; so that those Things always, and at all times, are to be observ'd and accomplish'd, that have been settled by the said Articles ; and what I have promised by this Instrument, concerning the Confirmation and Approbation of them, and do promise upon my Royal Word, that they shall be maintained, accomplished and observed, inviolably at all times, under the Obligation and Penalty of my Estate and Revenues I have or shall have. And I do empower his Catholick Majesty's Council, and the Kings his Successors, and the Persons who are intrusted by them, with the Execution of this Instrument, that they do, observe and execute the same ; and for the greater validity thereof, I do swear by the Holy Gospel contained in this Missal, (upon which I place my Right-hand) that I shall at all times, and so far as it shall lye upon me, observe and fulfil the same, without saying or alledging, that in order to do and agree to it, I was introduc'd, drawn in and persuaded, out of the Respect and Veneration which I ought to have and carry towards the King my Lord, who hath kept and does still keep me under his paternal Authority : Forasmuch as that I do declare, That his Majesty always left me to my free Will and Choice ; which was really so, and no ways relative as to what concerns this Contract. And I do promise to ask for no Dispensation of this Oath, from the Pope and the holy Apostolick See, nor from his Nuncio and Legate *a latere*, nor any other Person, who hath Power or Authority to free me ; and if it should come to be ask'd on my Request, or some third Person, or granted me *matu proprio*, I shall not make use of the same, tho' it were only to sue at Law, without meddling with the virtue and substance of the said two Articles of Marriage, nor that of this Instrument, which I make to confirm them, notwithstanding any Clauses whatsoever that are derogatory from this Oath. And in case the same be granted to me once or oftner, I shall take other Oaths anew ; so that there shall always remain upon Record more Oaths over and above all the

said Dispensations. And as for the same, I do declare and promise, that I neither have nor shall make any Protestation nor Reclamation, in publick or secret, contrary to this my Promise and Obligation, towards the weakning or lessening of its Force ; and if I should happen to do it, even with another Oath contrary to this, that it shall not stand in any stead, or be any advantage to me. And I do promise and oblige my self, that as soon as I shall be conducted and brought into the Company of the Most Christian King, in pursuance of the said Articles, I shall, in conjunction with his Majesty, pass another Instrument, with all the Clauses, Oaths and necessary Obligations ; as also the Insertion and Ratification of this same Act, made in this City of *Fuenterabia*, where my Lord the King is present with his Court, *June 2.* this Year 1660. in the Presence of the King our Master, who in continuation of the Grant above-mention'd, saith, That his Catholick Majesty would supply with his Royal Authority, and would have deem'd as supply'd, all Defects whatsoever, Omissions of Facts, or Right, Substance or Quality, Style or Custom, which might be us'd in the drawing up of this Act of Renunciation, of any Shares and future Successions, which the Most Serene Infanta, the intended Q. of *France*, his most dear and well beloved Daughter, hath done and agreed to ; and that he, out of his full and absolute Power, as King, who acknowledges no Superior in Temporalities, hath confirm'd and approv'd, doth confirm and approve, with Derogation for this time to all Laws and Ordinances, Usages and Customs, that may be to the contrary, or hinder the Effect and Accomplishment of it. And for the greater Confirmation of the whole, he commands it should be seal'd with the Seal Royal, these Persons following being call'd and requir'd to witness the same : Don *Lewis Mendez de Haro*, Marquess *del Carpio*, Conde Duke *d'Olivares*, Don *Ramiro Nunez de Guzman*, Duke *de Medina de las Torres*, Don *Gaspard de Haro*, Marquess *de Eliche*, Don *John Dominick de Gusman*, Count *de Monterey* ; Don *Diego de Aragon*, Duke *de Terranova* ; Don *Guillen Ramon de Moncada*, Marquess *d'Aytona* ; Don *Pedro Puerto Carrero*, Count *de Medellin* ; Don *Pedro Colon de Portugal*, Duke *de Veraguas* ; Don *Antonio de Peralta Hurtado de Mendoza*, Marquess *de Mondejar* ; Don *Alonzo Perez de Guzman*, Patriarch of the Indies ; Don *Alonzo Perez de Vivero*, Count

de Fuelsaldagna, of the Council of State; Don John de Caravajal, and Sando of the Council and King's Chamber; Don Diego de Tejada, Bishop of Pamplona; and several Lords and Knights there present. Sign'd, I the King. Maria Theresa.

I Don Ferdinando de Fonseca Ruis de Contreras, Marquess de Lupella, Knight of the Order of St. James, one of the Councils of War, Indies, and Chamber of the same appertaining to his Catholick Majesty, Secretary of State, and of the universal Dispatches, and Notary in his Kingdoms and Dominions, who was present at the Oath, Grant, and every thing above-contain'd, do witness the same; and that the said Second and Fourth Articles of Marriage, as they are before specify'd, have been faithfully copy'd and collated with the Original, which is in my Hands. In testimony of the Truth whereof, I have sign'd and subscribed my Name, Don Fernando de Fonseca Ruis de Contreras.

The Catholick King my Sovereign Lord, having been pleas'd to order me, Don Blasco de Loyola, Commander of Villarubia de Ocana, of the Order and Knighthood of St. James, one of his Council and Secretary of State, to make a Copy of the Instrument of Renunciation, which the Infanta Maria Theresa, his Daughter and future Q. of France, hath made and granted before Don Ferdinando de Fonseca Ruis de Contreras, Marquess de Lupella, Knight of the Order of St. James, one of the Council of War for the Indies, and of the Chamber of the same for his Catholick Majesty, Secretary of State, and of the Universal Dispatches, and Notary in his Kingdoms and Dominions, of her Share in the Estates of her Father and Mother, in order to send it to Don Estevan de Gamarra, his Ambassador to the States General of the united Provinces; and having actually done it, I do certify, that this Copy agrees with the Original in my Hands, with which it has been collated; and to manifest the same, I have put my Name to it, and it's seal'd with the Royal Privy Seal, which is also in my Hands. Madrid, July 16, 1668. Sign'd Don Blasco de Loyola, and at the side his Majesty's Seal upon a Red Wafer.

LETTER F.

*An Act of Renunciation, made June 2. 1660.
at Fuenterabia, by the Infanta Mary The-
resa, of all the Right of Succession which
might appertain to her, to the Crown of
Spain.*

THE Lady *Mary Theresa*, Infanta of both *Spains*, and by the Grace of God future *Q. of France*, eldest Daughter to the most High, most Excellent, and most Potent Prince, *Don Philip IV.* by the same Grace Catholick K. of both *Spains*, my Lord (whom God preserve and prosper) and of the most High, most Excellent, and most Potent Princess the Lady *Isabella*, the Catholick *Q. of Glorious Memory*, my Mother and Lady (who is in Heaven). By the Narrative and Publication of this Instrument and Act of Approbation, Confirmation and Ratification, and of what is further therein contained, *in perpetuum rei Memoriam*; Be it known and manifest to Kings, Princes, Potentates, Republicks, Communities, and particular Persons, that are now, or shall be in all time coming; That soasmuch as the most High, most Excellent, and most Potent Prince *Louis XIV.* the most Christian K. of *France*, my Cousin-German, sent the Mareschal *D. de Grammont* on a particular Embassy to the Catholick K. my Lord, to demand and propose in his Name, that I should be betrothed and marry'd to the said most Christian K. my Cousin; and his Catholick Majesty having a just Esteem of that Offer and Proposal, and a due regard to Decency, Equality, and publick Conveniency, which met in this Marriage, granted and agreed to the same, having beforehand a Dispensation from his Holiness, for the Kindred and Consanguinity betwixt me and the most Christian King my Cousin, and that afterwards in consequence of this Octroy and Agreement, and, and with the Powers of their Catholick and most Christian Majesties, our Treaty of Marriage was agreed to, and sign'd the 7th of Nov. 1659. in the Isle of *Pheasant*, in the River *Bidasoa*, depending on the Province of *Guipuscoa*, confining on these Kingdoms and that of *France*; and that in the fifth and sixth Articles of the said Treaty, it was resolved and agreed on conjunctly, and with one accord, as

a thing very convenient, after having considered it carefully, and with mature Deliberation, that I and the Children and Descendants which it may please God to give us by this Marriage, be, and remain incapable, and absolutely excluded from all Right and Hope to succeed to any of the Kingdoms, Dominions and Lordships, belonging to the Crown and Monarchy of Spain, or that may be added thereto by his Catholick Majesty, or after his Life (which God grant may be long and happy) by the Kings his Successors. And though it be agreed on by Covenant betwixt Princes and Sovereign Kings (who in Temporals own no Superior) out of their Favour and Good-will to the Publick Cause of both Kingdoms, and that they have condescended to this at the desire and Joint-wishes of their natural Subjects and Vassals, who are willing that it should have the Force and Vigour of a Law and pragmatick Sanction, and that it be received and observed as such; and tho' on that Account it would seem there's no need of any other Solemnity to make it firm, yet nevertheless it is their Majesty's Will (if my Approbation might be convenient on any Consideration whatever) that I should incontinently give it, when the Marriage agreed on came to be solemniz'd and contracted, and that my Approbation should have all the Clauses and necessary Solemnities according to, and as it is stipulated and declar'd more particularly by, the Act of Ten Articles, the Tenor of the fifth and sixth of which taken from the Original are inserted here *Verbatim* as follows:

The Fifth Article. That forasmuch as the most Christian and Catholick Kings are come to make a Marriage, that by this Tye they may so much the better perpetuate and assure the publick Peace of Christendom, and betwixt their Majesty's that Love and Brotherhood which every one hopes will be betwixt them, and also in Consideration of the just and lawful Causes, which shew and demonstrate the Equality, and the Convenience of the said Marriage; by means of which, and through the Favour and Blessing of God, all Men may hope for happy Success, to the great Advantage and Increase of the Christian Religion and Faith, to the Welfare and common Benefit of the Kingdoms, Subjects, and Vassals of the two Crowns; as also for what relates to the Welfare of the Publick, and the Preservation of the said Crowns; which being so great and potent, cannot be united in

one, and that henceforward it is the design to prevent the occasion of such a Conjunction. Then considering the quality of the above-mention'd, and other just Reasons, and especially that of the Equality which ought to be preserv'd, their Majestys agree by Contract and Covenant between themselves, which shall have the force and vigour of a firm and stable Law forever, in favour of their Kingdoms, and the publick Welfare of the same, that the most serene Infanta of *Spain*, the Lady *Maria Theresa*, and the Children born of her, whether Male or Female; and their Off-spring of the first, second, third Generation, or of whatever other Degree, shall never succeed to the Kingdoms, States, Lordships and Dominions which appertain, or may appertain to his Catholick Majesty, and which are comprehended under the Titles and Qualities mention'd in this present Agreement, nor to any of his other Kingdoms, Dominions, Lordships, Provinces, Isles adjacent, Fiefs, Chieftrainries, nor to the Frontiers which his Catholick Majesty possesses at present, or which pertain, or may appertain to him, either within or without the Kingdom of *Spain*, or which in time to come his said Catholick Majesty, or his Successors shall have, possess, or have belonging to them, nor to any of those that are comprehended in those, or depend upon them, nor to any of those which hereafter, or in what time soever he may acquire or add to his abovemention'd Kingdoms, States, Islands, Dominions, or which he may recover, or may devolve upon him, or by what other Titles, Rights, or Reason soever, tho' it should be during the Life of the said most serene Infanta, the Lady *Maria Theresa*, or after her Death, or in that of any of her Off-spring, first, second, third Generation, or further; that in the Case or Cases by which, either of Right, or by the Laws and Customs of the said Kingdoms, Dominions, and States, or by the *dispositions of Titles*, by which they may succeed, or pretend that the Succession of the said Kingdoms, &c. ought to belong unto them: From the Succession to which, in all the above-mention'd Cases, from this time forward, the said Lady *Maria Theresa*, the Infanta, owns and declares herself to be, and remain well and duly excluded, together with all her Children and Descendants, Males or Females, though they would or might say and pretend, that as to their personal Right, neither the said Reasons of the publick Welfare, nor any other, upon which the said Exclusion may be founded, can take place; or if they should alledge (which God forbid) that the Succession of the Catholick King, or of the most serene Princes and In-

Infanta's, and of the Males which he hath, or may have for his lawful Successors, hath ceas'd and fail'd; because as has been said, that in no case, in no time, nor in any manner whatever, neither she, they, nor their Heirs and Descendants must succeed, nor pretend any Right to succeed, notwithstanding any Laws, Customs, Ordinances, and Settlements, by virtue of which, any have succeeded to the said Kingdoms, Dominions and Lordships, and also notwithstanding all the Laws and Customs of the Crown of *France*, which oppose this abovemention'd Exclusion, as well for the time present, as for the time to come; and notwithstanding the Cases which would have long delay'd the said Successions. All which Considerations together, and each of them apart, their said Majesties abrogate, in as far as they contradict or oppose the Contents of this Contract, or the fulfilling and execution of the same, and that for the Approbation and Ratification of this present Agreement, they do abrogate the same, and hold them as abrogated; and their Will and Meaning is, That the most Serene Infanta, and her Offspring, remain henceforward and for ever excluded from any Power to succeed at any time, or in any case, to the Dominions of the Country of *Flanders*, the County of *Burgundy* and *Charolois*, their Appurtenances and Dependencies. In like manner also they declare most expressly, that in case the most serene Infanta happen to be a Widow (which God forbid) without Children by this Marriage, she shall be free from this Exclusion, and therefore declar'd capable of her Rights and Power to succeed to all that may belong or fall to her, in two Cases only: the one, that if she be a Widow without Children by this Marriage, she return into *Spain*; and the other, if from Reasons of State, for the good of the Publick, and other just Considerations, she marry again with the Consent of the Catholick King her Father, or of the Prince, her Brother; in those two cases she shall be capable of succeeding and inheriting.

VI. That the most serene Infanta the Lady *Maria Theresa*, before the Celebration of the Marriage, shall, by word of Mouth, give, promise and authorize a Writing, by which she shall oblige herself, her Successors and Heirs, to the accomplishment and observation of all that is before-mention'd, for the Exclusion of herself and her Offspring; and shall approve the whole, as it is contain'd in this present Agreement, with the requisite and necessary Clauses and Oaths; and at the inserting of the same Obligation and Ratification which her Highness shall give and make of

of the present Agreement, she shall make such another conjointly with the most Christian King, as soon as she shall be marry'd, which shall be enregister'd in the Parliament of *Paris*, with other necessary Clauses, according to the usual form. As also his Catholick Majesty shall approve and ratify the Renunciation, with other necessary Clauses, in the usual manner and form, and cause them to be enregister'd in his Council of State; and whether the said Renunciations, Ratifications, and Approbations be made or not, from henceforward, by virtue of this present Agreement, and of the Marriage that shall follow upon it, and in consideration of all the things beforemention'd, they shall be held and accounted as well and duly made and authoriz'd, and as pass'd and register'd in the Parliament of *Paris*, by the publication of the Peace in the Kingdom of *France*.

After the insertion of the Articles, the Infanta goes on in the following Terms.

And forasmuch as after the Treaty beforemention'd, our most holy Father *Alexander VII.* dispens'd with the degree of Consanguinity which is betwixt the said most Christian King and me, and approv'd by his Authority and Apostolical Benediction our Treaty of Marriage, and its Articles; and that the case and time is come, when the Marriage is to be solemniz'd and contracted with the Blessing of God; and as we are to hope, for his Glory and Service, the Exaltation of his holy Faith, and the Tranquility of the Christian Commonwealth, by means of which, the case and time is also come, when I am to fulfil on my part, (before Marriage) the Contents of the fifth and sixth Articles which are inserted in this Act; and that I am likewise in Majority, of the Age of twenty Years; and that it hath pleas'd the Lord to give me Capacity and Discretion to understand and comprehend the substance and effect of the said Articles, of which I had certain and due notice, forasmuch as I have frequently inform'd myself of them, and of their Conveniency, during the time of six Months, since they were publish'd and agreed on, and that it was sufficient to give me that Satisfaction I ought to have of their Justice, to know that the Affair was examin'd and agreed on by my Lord the King, who desires and procures my Contentment and Welfare with so much Love and Care, having a joint regard to the publick and common good of the Kingdoms, of which God hath given him the Charge; and which, as well as those of the

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the Crown of *France*, are equally Concern'd, that the Grandure and Majesty which they bear, and have preserv'd in themselves for so many Years, with so much Prosperity, and that the Glory of their respective Names of Catholick and most Christian Kings may not be diminished nor fall, as necessarily they must, if by means of this Marriage they come to shine in any of the Children and Descendants: This would cause, to their Subjects and Vassals, such Discontent and Affliction as may be easily foreseen, and would be attended by such Inconveniencies and Losses, which are more easily apprehended before they happen, than help'd and redress'd when they once come to pass, and are felt; and therefore it is agreed to prevent them, that this Marriage may not be the Cause of Effects contrary to those which we promise ourselves, and are to hope from it. Besides, that this Precedent will facilitate in time to come, reciprocal Marriages, betwixt my Posterity and those of my Lord; which Consideration affords me particular Comfort and Satisfaction, forasmuch as it will be a means to strengthen and renew from time to time, the Bond of Blood and Kindred, and will likewise ascertain and confirm more powerfully and effectually the Alliance, Friendship, and good Correspondence that hath been cemented and contracted by such happy beginnings, betwixt those two Kingdoms. Thus they will be continued to the Glory of God, and the Renown of the Catholick and most Christian Kings; which being the publick and common Good, ought, in Reason, to be prefer'd to my particular Advantage, and that of my Children and Descendants, which in the present case is not to be regarded, forasmuch as 'tis known to be very remote. I am so much the more satisfy'd in the Justice of this Renunciation and Act, that herein I follow the Example and Authority of the most high, most excellent, and most potent Princess, *Madam Anna Infanta of Spain*, at present the most Christian Queen of *France*, and my well-belov'd and much rever'd Aunt and Lady; and that besides the Considerations and publick Causes before-mention'd, and that of preserving and ascertaining the Peace betwixt the two Nations (which concur also) and are alledg'd in the said Treaty and Renunciation, it hath fallen in with the present Case, and hath been consider'd as the publick Cause, and the chief and greatest Cause for the Renunciation agreed to in my Treaty of Mar-

Marriage, that the said Treaty is known to be the main and principal Cause of the Pacification of a War of 25 Years duration betwixt the two Crowns of *France* and *Spain*, in which Quarrel the greatest Potentates of *Christendom* were concern'd by Alliance or Dependance: So that the Welfare of the Whole, the publick Cause, and, which is the Chief of all, the Catholick Religion, having suffer'd much by the War, and being no way to be remedy'd but by the Peace granted by the means and for the sake of my Marriage, which would not have been granted, nor consented to by the King my Lord, if this Renunciation had not been agreed to, as was taken notice of in the First Article of my Contract of Marriage, and in the three and thirtieth Article of the Treaty of Peace betwixt the two Crowns, which in this Consideration refers to the particular Treaty made upon the Conditions of my Marriage, and both of them were sign'd the same Day; and in the said three and thirtieth Article of the Peace it is declar'd; that the said Treaty made upon the Terms of my Marriage, notwithstanding its being separate, should be of the same Force and Obligation with that of the Peace, as being the principal part of it, and the most precious Earnest of its Firmness and Duration: Therefore of my own proper Motion, free, spontaneous and chearfull Will, and having certain Science and Knowledg of the Act which I do, and what my Consent imports and may import, I approve, confirm and ratify, in the best Manner and Form I can and ought to do, the said Agreement according to, and in that manner as is more particularly contain'd in the said fifth Article; and in case it should be judg'd necessary and convenient, I give my absolute and sufficient Power to the King my Lord, and the most Christian King, to agree and enact the same again; who by virtue of, and in accomplishment of the said Article, I declare and look upon my self as excluded and remov'd, and the Children and Descendants of this Marriage excluded, and absolutely disabled, and without limitation, difference, or distinction of Persons, Degrees, Sex, Time, Action and Right, to succeed to the Kingdoms, Dominions, Provinces, Lands and Lordships of the Crown of *Spain*, express'd and declar'd hereby. And I will and consent for me, and for my said Offspring, that from henceforward and for ever, they be held as granted and transferr'd to him who shall be found nearest of Kin (because I and they are excluded, disabled and incapable) to the King, by whose Death it becomes vacant, to the end he may hold them as lawful and true Successor, in the same

same manner as if I and my Descendants were not born, nor had a being in the World, because we ought to be held and reputed as such, and that neither they nor I are to be consider'd in any manner as Representatives or Descendants of the Lineage, Blood or Dignity of the King my Lord, or of the glorious Kings his Predecessors, nor in any other way so as to enter into the Succession, or pre-occupy the degree of Proximity, in exclusion of the Person who shall be found next in degree as before said to the King reigning immediately before the Line fails. And I promise and oblige my self on my Royal Word and Faith, that in every thing which shall depend on me, and on my said Children and Offspring, we shall always and at all times take care that this Article, and the Act which I make for its Approbation and Confirmation, be inviolably observ'd and accomplish'd, without allowing or consenting that any thing be done contrary to it, directly or indirectly, in whole or in part. And I renounce and quit all Remedys at Law, known or unknown, ordinary or extraordinary, that belong or appertain by common Right or special Privilege to me or my said Children and Descendants, to revoke, say or alledge any thing against what is done, as above ; and I renounce all Claims, and particularly that of having Restitution *in integrum*, founded upon Ignorance, Inadvertency of Youth, evident Injury, enormous or most enormous, that may be alledg'd to be in the said Renunciation, or quitting of my Right, to succeed at any time to so many and such great Kingdoms, Dominions and Lordships : and 'tis my Will that none of the said Pleas, nor any other of what Name, Character, Importance and Quality soever, be of any use to us judicially or extrajudicially ; and that if we demand them, or attempt to sue them by way of Law and Justice, that we be deny'd and excluded from all sort of hearing ; and if by way of Violence, or any other ill-founded Pretext, in distrust of Justice (because we ought always to own and confess, that we have no Right to succeed to any of the said Kingdoms) we offer to seize them by Force of Arms, by making or moving an offensive War, that from thenceforward and for ever it be held, judg'd and declar'd as an unlawful, unjust, ill-grounded, violent, tyrannical Invasion and Usurpation against all Reason and Conscience ; and that on the contrary, that War which shall be made or mov'd by him who ought to succeed in exclusion of me, and my said Offspring and Descendants, be held for
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just and lawful; and that the Subjects and Inhabitants ought to receive and obey, swear Homage, Fealty and Obedience to him as to their King and lawful Sovereign. And I affirm and certify, that to authorize this Act, I have not been induc'd, inclin'd, or perswaded by the Respect and Veneration which I owe and have for the King my Lord, as a Prince so puissant, and as a Father who loves me, and whom I love so much, and who keeps and hath kept me under his paternal Power; because in truth all that passes and hath pass'd, in respect of the Conclusion and Effect of this Marriage concerning the said Agreement, and Article of the Exclusion of my self and of my Descendants, I have had all the Liberty which I could wish for to say and declare my Will, without being put in fear, or threaten'd by him or any other Person, to induce or move me to do any thing contrary to my inclination. And for the greater Validity and Certainty of that which is said and promis'd on my part, I swear solemnly by the Gospels contain'd in this Missal (upon which I lay my right Hand) that I will observe, maintain and accomplish it in whole and in part; and that I shall not demand any Dispensation of my Oath from our most holy Father, nor from the holy Apostolical Chair, Legate, or any other Dignity, that hath power to grant it me; and that if the same should be granted me at my own Instance, or at that of any University or particular Person, or *Motu proprio*, tho it should be no more but to go to Trial, without touching on the substance of the said Claims, and on the virtue and force of this Act and Treaty, which I do hereby approve, I shall not make use of, nor serve my self with it. On the contrary, in case I should have the Authority granted me, I take my Oath a second time against all Dispenations that shall be granted me; and by the same Oath I say and promise, that I neither make nor shall make any Protestation or Revocation in publick or in secret, that may hinder or diminish the force of the Contents of this Act; and if I do, tho it should be, under Oath, it shall be of no Validity, Force nor Effect. And I pray his Holiness, that since this Marriage and Treaty hath been concluded and agreed upon with his Holy and Apostolical Approbation, and is to be effected and solemniz'd with his Blessing, that he would be pleas'd to add to the Force, binding Power, and Religion of my Oath, by the Authority of his Apostolical Confirmation; and I promise and oblige my self, that in conformity unto, and in accomplishment of, the

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sixth Article above-mention'd, as soon as I shall arrive at the place where the most Christian King shall receive me, I will make and cause to be made by his Intervention and Authority, and jointly with his most Christian Majesty, and with all the Clauses, Oaths and Conditions necessary and convenient, such another Act of Confirmation and Ratification as that which hath been made and expedited in this City of *Fuenferrabia*, where the Catholick King my Lord now keeps his Court and Palace, this second day of *June*, 1660. in the presence of the King our Master.

And for the greater Solemnity, Authority and Validity of this Act, his Catholick Majesty hath said for the Accomplishment of the fifth and sixth Articles therein inserted, That as to what relates to the common Cause, and the common Welfare of his Kingdoms, Subjects and Vassals, he confirms and hath confirm'd this Act, according as it is expedited by the most serene Infanta Madam *Maria Theresa*, the betroth'd and future Queen of *France*, his most dear and well-belov'd Daughter; and that of his own proper Motion, certain Science, full and absolute Power, and as King and Lord, who owns no Superior in Temporals, he supplies, and wills that they be held as supply'd by his Royal Authority, whatever defects or omissions of Fact or Right, of Substance or Quality, of Stile or Custom, may be found in the said Act; and he confirms and approves, specially and particularly, the said fifth Article, and what is agreed and resolv'd therein, betwixt his Catholick Majesty and the most Christian King; and he wills and Commands that it have the force and vigour of a Law and pragmatic Sanction, and that as such it be receiv'd, kept, observ'd and executed, in all his Kingdoms, Dominions and Lordships, without any regard to the Laws, Ordinances or Customs to the contrary, from which it derogates; and his Will is, that for this time they be held as abrogated and made void, tho they be of such sort and quality, as that for their Derogation there should be requisite and necessary other more expresse and special mention: And he hath commanded that it be seal'd with his Royal Seal, and enregister'd and publish'd in his Council of State, and others to which it may belong. Of all which were call'd and requir'd to be Witnesses, Don *Lewis Mendes de Haro*, Count Duke *Olivares*, Don *Ramiro Nunez de Guzman*, Duke of *Medina de las Torres*, Don *Gaspar de Haro*, Marquis of *Eliche*, Don *Juan Domingo de Guzman* Count of *Monterrey*, Don *Diego d'Aragon*, Duke of *Terranova*, Don *Guillen Ramon de Moncada*, Marquis of *Aytona*, Don *Pedro Portocarrero*, Count of *Medellin*, Don *Pedro Colon de Portugal*, Duke of *Veraguas*, Don *Antonio de Peralta*, *Huacado de Mendoza*, Marquis of *Mondejar*, Don *Alonso Perez de Guzman* Patriarch of the *Indies*, Don *Alonso Perez de Vivero*, Count of *Eusebio*, Counsellor of State, Don *Juan*

de Caravajal and Sandi, one of his Majesty's Council and Chamber, Don Diego de Tefada Bishop of Pamplona, and several other Lords, Knights and Domesticks of his Majesty, who were present. Sign'd,

I the KING. I Maria Theresa.

I Don Ferdinand de Fonseca Ruys de Contreras, Marquis de Lapilla, Knight of the Order of Santiago, of the Councils of War, Indies, and Chamber of the same, Secretary of State, and of the Universal Dispatch, and Notary of these Kingdoms and Lordships, having been present at the Oath, granting and all the rest above-mention'd, do certifie the same, and that the said fifth and sixth Articles of Marriage, as above written, have been faithfully Copy'd from and compar'd with the Original, which is in my Custody. In Testimony of the Truth thereof, I have Sign'd it and Subscrib'd my Name.

Don Ferdinand de Fonseca Ruys de Contreras.

The Catholick King, my Sovereign Lord, having been pleas'd to order me, Don Blasco de Loyola, Commendary of Villarubia de Ocana of the Order of Knighthood of St. James the Apostle, of his Council, and his Secretary of State, to make the above Copy of the Renunciation made and passed by the Lady Infanta Maria Theresa, his Daughter, now Queen of France, in the Presence of Don Ferdinand de Fonseca Ruys de Contreras, Marquis de la Lapilla, Knight of the Order of Santiago, of the Councils of War and the Indies, and of the Chambers thereof, his Catholick Majesty's Secretary of State, and of the Universal Dispatch, and Notary in his Kingdoms, and the Lordships of his Kingdoms, States and Dominions, which compose the Crown and Monarchy of Spain, and of those which shall be incorporated therein, to be sent to Don Stephen de Gamarra, his Ambassador to the States General of the Netherlands, and having done it accordingly, I do certify, that this Copy agrees with the Original Instrument, which remains in my Custody, with which it has been compar'd, and in Testimony thereof, I sign it with my Name, and it is Seal'd with the King's Privy Signet, which is also in my Custody. Madrid, July 16, 1667. Sign'd, Don Blasco de Loyola. And on the Side his Majesty's Privy Signet, on a red Wafer.

LETTER G.

LAW H.

That the Eldest Son have Prerogative and Superiority over his other Brothers.

THE Advantage of being first born, is a great Token of the Love God shows towards the Sons of Kings, above their other Brothers who are born after them. For it plain-

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plainly denotes, that he prefers and places him above the rest on whom he is pleas'd to confer this Honour, because it is their Duty to obey and observe him as their Lord and Father : There are Three Reasons which make out the Truth hereof, the First naturally, the Second by Law, and the Third by Custom. For according to Nature, since the Father and Mother are desirous to have Issue that may inherit what they have, he who is first born, and comes soonest to fulfil their Desires, ought of right to be best belov'd by them, and to possess what they enjoy. It is made out by Law, by what our Lord God said to *Abraham*, when he commanded him by way of Tryal to kill his first Son *Isaac*, whom he much lov'd, and to slay him for his sake ; and this he said to him for two Reasons, the one, because that was the Son he most lov'd, and even as his own self, for the reason aforesaid : The other, because God had chosen him for a Saint, when he would have him born first, and therefore he commanded *Abraham* to sacrifice him. For as he said to *Moses* in the old Law ; every Male that was first born should be call'd Holy to the Lord : And that his Brothers are to regard him as a Father, appears in as much as he is elder than they, and came first into the World ; and that they are to obey him, as their Lord is proved by the Words *Isaac* said to his Son *Jacob*, when he gave him his Blessing, believing he had been the Eldest : You shall be Lord over your Brothers, and the Sons of your Mother shall bow down before you. He whom you bless shall be blessed, and he whom you curse shall be cursed. By all which Words it appears, that the eldest Son has Power over his other Brothers, as Lord and Father, and that they ought to regard him as such. Besides, according to ancient Custom, notwithstanding, Fathers in Compassion to their other Sons, would not commonly allow the Eldest to have all, but that every one should take his Part ; nevertheless, wise and discreet Men, regarding the common Benefit of all, and being sensible, that this Partition could not be made in all Kingdoms without destroying them, according to what our Lord *JESUS CHRIST* said, That every Kingdom which was divided should be subverted ; they look'd upon it as of Right, that only the Eldest Son should have the Sovereignty of the Kingdom after his Father's Death, and this was always practis'd in all Countries throughout the World, where the Sovereignty was in one Family, and particularly in *Spain*. And to obviate many Mischiefs which had happen'd, and which might again fall out, they enacted, that those should always inherit the Sovereignty of the Crown, who descended in a direct Line ; and therefore they established, that if there was no Son, the eldest Daughter should inherit the Kingdom ; and they farther ordained, that in Case the eldest Son dy'd before he came to the Inheritance, if he left a Son, or a Daughter,

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by his Lawful Wife, that he or she should have it and no other. But if all these should dye, the nearest of Kin was to inherit the Kingdom, provided he was a Man fit for it, and had not done any thing for which he ought to forfeit it. Therefore the People is obliged to observe all these things; for otherwise the K. could not be duly preserv'd, unless they so preserved the Kingdom. And therefore whosoever should act contrary to this, would be guilty of notorious Treason, and incur the Penalty aforesaid, to be due to those who disown the King's Authority.

LETTER H.

The separate Article of the Treaty of the Grand Alliance, concluded at Vienna, in May 1689.

SINCE it has been publickly given out by France in several Places and Courts, that notwithstanding the most solemn Renunciation, the Dauphin will immediately assert the Succession to the Spanish Monarchy by force of Arms, in Case the Catholick K. should happen to dye without Lawful Issue, and there being visible Interest made, to have the said Dauphin chosen K. of the Romans: The States General of the United Provinces, seriously considering, how dangerous to the Publick Weal, and how prejudicial to the common Tranquillity, either of those Pretensions might prove, they promise by these separate Articles, which are to be of no less force, than if they had been inserted in the main Body of the Treaty.

First, That in case the present King of Spain should depart this Life without leaving Lawful Issue, (which God of his Mercy avert) they will with all their Power assist his Imperial Majesty and his Heirs to assert and recover the Succession to him Legally appertaining of the Spanish Monarchy, it's Kingdoms, Provinces, Dominions, and the Rights thereof, and to secure him the Possession against the French and their Adherents, who shall go about to oppose this Succession, directly or indirectly, and will oppose Force against Force, whosoever shall attempt the contrary.

Moreover, they will use all their Endeavours with the Princes, Electors of the Empire, their Confederates, that the most Serene Joseph K. of Hungary, his Imperial Majesties Eldest Son may be as soon as possible chosen K. of the Romans; and if this Election should be obstructed by France, either with Threats or Arms, they will assist his Imperial Majesty with all their Forces for securing of the same.

The Crown of England shall be invited to come into this Treaty. Done at Vienna, May 12. 1689.

T. A. HENRY.

Court Draughtman.

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